



Charles by the grace of God. Kinge
of England, Scotland, France and
Ireland, defendor of the faith, etc:



Charles by the grace of God. Kinge
of England, Scotland, France and
Ireland, defendor of the faith, etc:



THE
Unlawfulness
OF
SUBJECTS

*Taking up Arms
against their*

SOVERAIGNE

in what Case soever

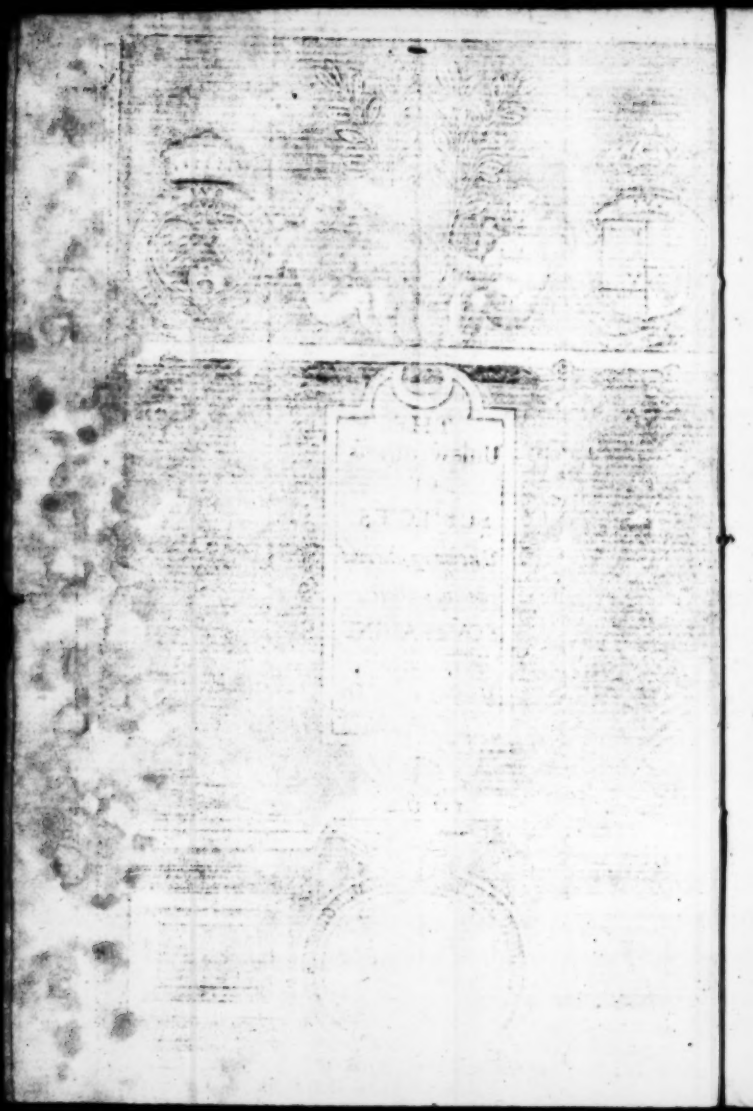
Written by

Dudley Digges G.

*late Fellow of All-Soules
Colledge in Oxford*

1644





THE
Unlawfulness
OF SUBJECTS
Taking up Arms against their
Sovereigne,
In what Case soever.

Together with an Answer to all Objections
scattered in their several Books.

And a Prooſe,
That notwithstanding ſuch Reſiſtance as they
pleaded for, were not Damnable, yet the late
Warre made upon the King was ſo, becauſe
thoſe caſes, in which onely ſome men
have dared to excuſe it, are evidently falſe; His
Majeſty fighting onely to preſerve Himſelf, and
the Rights of the SUBJECTS.

Written by *Dudley Diggs*, Gent. late Fellow of
All-Souls Colledge in Oxford.

London, Printed by *Thomas Mabb*, for *Margaret
Sheares*, and are to be ſold at her ſhop at the
ſigne of the blew Bible in *Bedford Street in Covent-
Garden*, 1 6 6 4.

Unlabeled

of the
up the ground

2000

the 1000

the 1000

the 1000

the 1000

the 1000

the 1000

the 1000

The Contents.

T he cause upon which men are misled to a desire of Innovation,	Page 1.
Quisque nascitur Liber, how to be under- stood.	P. 2.
The evils which flow from want of government	P. 3
The remedy of those evils, civill unity	4
Native right restrained by positive obligation,	6
Prudential motives for parting with some rights of Nature without power to resume them.	i'
The foundation upon which States are settled o- verthrown; if the people be made judges of their safety, and allowed to use any means which they fancy conducing thereto.	8
Liberty to resist governours destructive to the very nature of government.	ib.
The difference between not obeying against law, and hostile resistance to a Sovereign.	11
Active obedience against Gods law, sin, ib. with objections to the contrary.	ib.
Answer to the former Objections,	13
No inconveniencies from this doctrine rightly stated, God to be obeyed rather then man.	14
Difference between law of Nature and right of Nature.	16
The Kings cause justified by the adversaries schem of Government	ib.
Different judgment of the best form of govern- ment oft-times the cause of sedition.	19

The Contents.

How the people are misled to rebellion,	20
Fallacy of unequal comparison between Monarchy and Aristocracy; whereas greater hopes in Monarchy; and greater fears in an Aristocracy	22
The Kings interest the same with the peoples; that of Nobles divided from their happiness	23
The happiness of Monarchy	ibid.
The miseries of Aristocracy.	24
The diseases of a Senate more violent then of a Monarchy	25
Easie remedies for a sick Monarchy; the diseases of a Senate incurable	26
The miseries of a Kingdome when a childe governs, an argument for Monarchy	ib.
A popular form of government the worst,	27
The objections of greater liberty flowing from a popular form of government, answered.	28
Equality in a Common-wealth condemned, which they urge, flowing from the popular form of government, comes nearer to the law of Nature	29
Non resistance to the supream power, essentiall to the preservation of order,	36
The King is Dei Minister, not the peoples servants, not their creature.	37
The King Gods representative, as well as the peoples.	38
Power over the life of Man, from God onely, not from the people.	ib.
	Gods

The Contents.

<i>Gods own People (the Israelites) bound not to resist the supream Magistrate therefore non-resistance no absurd Constitution</i>	39
<i>A necessity to grant impunity to some in all governments to avoid confusion.</i>	43
<i>Conclusions out of the old Testament for non-resistance</i>	45
<i>The duty of Non-resistance enjoyed by Christ in the Gospel</i>	47
<i>The Jews more excusable in case of rebellion. ib.</i>	47
<i>The case of Resistance enforced with greatest advantages, yet condemned.</i>	49
<i>Paraphrase upon part of the 13. of the Romanes.</i>	51
<i>Lawfull to resist inferiour Magistrates if they oppose the supream.</i>	53
<i>God is to be reckoned on the Kings side, who will over-ballance their greatest forces.</i>	55
<i>The duty of Non-resistance proved by the most innocent ages of the Church.</i>	57
<i>Private revenge unlawfull.</i>	59
<i>No want of ability the cause of the patience of primitive Christians.</i>	63
<i>Very necessary it is to know the subject of supremacy</i>	65
<i>The Kings supremacy witnessed by oath.</i>	80
<i>The King hath paternal power from consent of the People.</i>	70
<i>The King hath a greater power by Gods grant, then the people could bestow upon him.</i>	71
<i>That the Original of Power is not in the people, demonstrated,</i>	

The Contents.

<i>demonstrated, ibid. & deinceps.</i>	
<i>Arguments brought against the King, conclude as much as for the people against the Parliament.</i>	73
<i>The Kings Supremacy further proved</i>	75
<i>The true meaning of that which is called a mixt Monarchy</i>	ibid
<i>Representative body is not the people to all purposes.</i>	76
<i>Difference between arbitrary rule and government restrained by law, notwithstanding hostile resistance unlawfull, though in cause of violation</i>	79
<i>The Kings Supremacy proved out of Bracton and from the Nature of all his subjects tenures</i>	85
<i>Leige Lord (which is the King (bound to some duties, but not under pain of forfeiture as Leige-men (which are the subjects) are.</i>	93
<i>Tib. Gracchus his seditious practices the pattern which the disturbers of our Kingdome imitate</i>	104
<i>Tyrannical abuse of Power doth not make the taking up of Arms against the supreme governour lawfull</i>	110
<i>Tyrant is in some sence opposed to King, in some sence not.</i>	111
<i>An Answer to the Examples brought out of the Old testament for breach of duty.</i>	119
<i>An Answer to those Exceptions made by some why the Primitive Christians did not resist</i>	120
<i>An Answer to the Objection which says that there</i>	

The Contents.

- there is a mutual compact between King and People, and if he break the Covenant, that they are freed from subjection 127
- An Answer to this Exception. If a King, exercising Tyranny over his people may not be resisted; he and his followers may destroy the Kingdom* 135
- An Answer to this Exception. We are bound by the natural duty we to owe our Country to be active in restoring it to happinesse by removing such a curse from the Land* 136
- An Answer to this Exception Self preservation is justifiable by the law of Nature* 137
- An Answer to this Objection, We are not bound to love our Neighbour better then our selves; therefore we may rather kill then be killed,* 139
- An Answer to this Exception. It is lawfull to resist in Gods behalf, and to preserve the true Religion, &c.* 141
- An Answer to this Exception. Inferiour Magistrates may force him who hath supreme power to rule according to Justice and established Laws.* 154
- An Answer to this Exception. If a King command against Laws, and inferiour Magistrates according to Law, they ought to be obeyed,* 156.
- An Answer to an Exception made by M. Bridge in his Book entituled Wounded Conscience, page 6. Concerning the Authority of Parliaments*

The Contents.

Parliament.	157
<i>An Answer to this Exception. War against the Person of the King is not resistance of the higher Power, but War against his Authority only.</i>	160
<i>An Answer to an Exception made out of the 13. of the Romans, For Rulers are not a terror to good works, &c.</i>	163
<i>An Answer to this Exception. There is a mixture and coordination in the supremacy, and the English Monarchy is compounded of three coordinate Estates.</i>	168
<i>An Answer to this Exception. The King though He be singulis major, yet He is Universis minor.</i>	143
<i>An Answer to this Objection. There must be a Parliament somewhere, for it can not be dissolved without their consent, which is not yet past, but it is not at Oxford, nor no other place, London excepted; therefore it is there, and consequently the Houses are the Parliament without the King, or else his Authority is in their Votes.</i>	144
<i>An Answer to this Objection, The whole Kingdom is greater then the King</i>	145
<i>The Parliament represents the People only to some purposes.</i>	150
<i>This War offensive on the Subjects part.</i>	151
<i>The pretext of our War.</i>	152
<i>The Real cause of the War.</i>	157
<i>The miseries which will follow this War, if continued.</i>	159
	The



The Unlawfulness of Subjects taking up Armes against their Sovereign, in what case soever.

SECT. I.



HE that will endeavour to make the yoke of Government more easie, by letting a people loose from the restraints of positive laws, upon pre-
tence, they may justly use their na-
tive liberty, and resume their ori-
ginal power, if civil constitutions, led to a d-

The cause upon which men are mis-

which were agreed upon for their good, be not effectual *fire of innovation* to that end, but prove disadvantageous to them, shall
be sure to meet with many favourable Readers. Because the greater part of mankind, as in other matters, so in this present case, are easily prevailed upon, to make a
truce with conscience, and eagerly to prosecute what ap-
pears most profitable. And the chiefest cause of our
miseries is, that they do not rightly apprehend what is
truly advantageous. For States are framed upon a fini-
shed opinion of men, they suppose most (as it doth

A

commonly

commonly fall out) will be dishonest, yet if they be not unwise, and suffer themselves to be carried on, as against conscience so against interest also, a Kingdome cannot want plentiful means of subsisting, of flourishing. The ground of these unhappy mistakes, (which makes them advance publique ruine, wherein all single men will be lost, while they are vainly encouraged by deceiving hopes of being private gainers) can be no other but this. They rule their actions and desires, but by one syllogisme, and look upon the immediate consequences, which is a satisfaction of some particular ends, and serving some present turne, and have not ordinarily so much depth of understanding, as to be able to discern the future evils, which will inevitably spring from the same Fountaine. They are not capable of that good counsell of Polybius. *Non tantum presentia est spectare, sed & futura prospicere, & quis exitus inde futurus sit.* The bait only is visible to most, and accordingly the reall goods which are promised by innovation (for no Government being free from all evil, therefore every proposall of change is easily baited with some good) are entertained with delight, but once unwarily swallowed, they become hooks in the entralls. It happens to most men, that they behold the children (as of their bodies, so) of their opinions; but the grand children of their tenents;

——— *Calliginosa nocte premis Deus.*

Nepotes discursus, The further removed consequences (though allayed in a right line) they have not strength of reason to discover.

To instance in two main principles, by which the seduced multitude hath been tempted to catch at empty happiness, and thereby have pulled upon themselves misery and destruction.

The first is a Doctrine craftily instill'd into the minds of the people, upon no other foundation then a mistake, in the meaning of true and profitable liberty, that the law of Nature doth justify any attempts to shake off those

Quisque
nascitur li-
ber,

1. False, be-
cause all are
subject by
nature to
paternall
power, and
consequently
to the su-
preme Ma-

those bonds imposed upon them by Superiours, if inconvenient and destructive of native freedom: the fallacie of which is easily discerned by understanding men. It is true, if we look upon the Priviledges of Nature, (abstracting from paternall dominion) Freedom is the birth-right of mankind, and equally common to every one, as the Aire we breath in, or the Sun which sheds his beams and lustre, as comfortably upon Beggars, as upon the Kings of the earth. This Freedom was an unlimited power to use our abilities, according as will did prompt. The restraint of which would questionles have been very grievous, but that experience did demonstrate, it was not so delightfull to do what ever they liked, as it was miserable to suffer as much as it pleased others to inflict. For any that was stronger then his neighbour had it in his power to hinder him from enjoying the benefits of liberty; nor yet could the most powerfull man among them take any extraordinary comfort in this as yet hostile State, because his minde was distracted with continuall fears, since there was not any so contemptibly weake, but that if he despised his own life, or desired to enjoy it with more uncontrolled pleasures, he might make himself Master of any other mans, though not by force, yet by subtilty and watching advantages, or at least a few combining might destroy the strongest, and might be tempted so to do, for their fuller security.

This was their unhappy condition amidst fears and jealousies, wherein each single person lookt upon the world as his enemy, and doubted (as formerly *Cain*, when he was excommunicated and cut off from the civill body) least the hand of every man might be upon him; and to this confusion the disturbers of this State endeavour to reduce us, not that this *anarchia*, want of order, most hatefull to God, can be pleasant to the most wicked man; but as knowing the effect of it, an insupportable and generall calamity will quickly unite multitudes into a people again, and force them to restore some go-

vernment; and they may hope in a new compact to gain a greater share in the rule, than their ambition hath been able to force from the settled Kingdom.

I will add the unavoidable occasions of quarrell, extremely opposite to the prime dictate of nature, the preservation of themselves, and to the means which conduce thereto; a peaceable enjoyment of the comforts of this life. For whilst every one had right to all, no body could with safety make use of any things, since when some would take to themselves what others delighted in, their desires and right being equally; there was no title but that of greater force, which could determine to whom it ought to belong, and this could not be known but by fighting, and this right reason abhorred, as by which men would either be exposed to famine in the midst of plenty, or else be forced daily to hazard the loss of their lives, out of a natural desire of conserving them.

*The remedy
of those evils,
civil unity.*

The sense of these calamities quickning their understandings to finde out, easily prevailed with their wills to entertaine a remedy of so great evils; which manifestly proceeding from division, the ready cure was to make themselves one, because no body is at variance with it self. There being no way to effect this naturally, they reduce themselves into a civil unity, by placing over them one head, and by making his will the will of of them all, to the end, there might be no gap left open by schisme to return to their former confusion. Because the wills of men, though the fountains of all voluntary actions, yet are not themselves the objects of choice; (for we cannot will to be willing, (this would be infinite) but to perform what is commanded) and so are not capable of being obliged by compacts; therefore this submission of all to the will of one; or this union of them agreed upon, is to be understood in a politique sense, and signifies the giving up of every mans particular power into his disposal, so that he may be enabled to force those who are unwilling upon some private ends

to be obedient for the common good; otherwise they would enjoy the benefits of others faith in observing laws, and the advantages of their own violations and breaches, which may probably be prevented, if penalties be appointed much greater then the profit which can come by their disobedience; because as men are naturally tempted by hopes of good, so they are as naturally deterred by a certain expectation of greater evils.

Thus also by transferring every particular mans power into the hands of one, is not meant a reall laying down and naturall translation of their strength, (because their nerves and sinews are, not alienable, as their money and goods) but a consent and mutuall obligation (as of all to one, whether he be King, as in a Monarchy; or some Nobles, for they are one too, as in Aristocracy, so of every one to each other) of not using their naturall power, but only as Law shall require, that is, of not resisting that body in which the supream power is placed, as likewise of aiding him, or them by vertue of that promise, or of that oath, according to the nature of the contract, when he or they summon their strength.

By what is laid down, may be discovered the weakness of their second principle (which hath done most mischief and till it be thoroughly rooted out of mens minds, the seed is still left behinde, from whence rebellian will spring) the falsehood whereof, I thought fit to manifest in relation to the peace and quiet of Christendome, and the world in generall, it not at all concerning His Majesties case, who was so farr from offering violence, that it was the extraordinary mercy of God upon this Land, that did enable him to defend his life against it, his Magazines, and Forts, and Ships, that is, all his civill power being taken from him, and an Army actually raised against his personall strength, (for His Majesty had not granted one Commission to raise a man, when they began their *defensive* Warr) so that *Lucans* expression might seem fitted to this Kingdomes misery.

*Potque novum fortuna videt concurrere bellum
Atque virum*

The doctrine is; the law of nature will defend us, whoeuer will kill, though the King in our own defence, and we are acquitted by that principall *vim vi*. (nay, some go higher, and make it unlawfull not to resist even the highest authority, it being a sinne against nature, &c. whom the examples of the holy Martyrs and of Christ himself do clearly confute, though they cannot satisfy them.) I will briefly answer it, as meaning to enlarge my self thereon in the following discourse.

*Native right
restrained by
positive obli-
gation.*

*Prudential
motives for
parting with
some rights
of nature,
without pow-
er to resume
them.*

It ceases to be lawfull, after we have made our selves sociable parts in one body, because we voluntarily and upon agreement restrained our selves from making use of this native right, and the renouncing this power by mutuall compact will appear very consonant to sound reason, whether we look upon the benefits insuing thereby, or the mischiefs avoided. For it is a more probable means to the attaining that very end, in relation to which they plead for it, the preservation of particular persons. Upon his condition of obliging our selves not to resist publique authority, in requitall for this submission of our private strength, we are secured by the united power of all, and the whole Kingdome becomes our guard. And it is most likely we should be lesse exposed to injuries, when that impartiall and equall measure of right, the known law, is by this means, maintained. The evils which would flow from this licence to resume our power against contracts, are infinite. Our own feelings too fully instruct us in the sad effects, and I doubt not but the wearinesse of our present sufferings, and the expectation of growing mischiefs, will be powerfull beyond rhetoric to perswade us to value highly the publick tranquillity. I am confident, if the people of this Land (whose eyes have been opened of late, and they are now sensible, that to continue violences to His Majesty, hath introduced a necessity of oppressing them, and that they

they are bound to be undone in order to the injuries to their Sovereign) were able to deliver themselves from their defenders, we should suddainly be restored to happiness, and it would be as hard a matter to engage them in a civill warr, when they had again tasted the sweetness of plenty and quiet, as it is to perswade them to agree to peace, who challenge a legall power by the title of Warr to dispose of the Kings and Subjects Revenues at pleasure.

As reason induced men to enter into such a Covenant, and to lay a mutuall obligation one upon another, not to resist authority upon what ever grounds, whether of fancied, or reall injustice, but to submit their actions and persons to the ordinary triall, though it might possibly happen, that some particulars would be sentenced unjustly, because a farr more considerable good could not be obtained, unlesse by agreement patiently to submit to this possible evill, since the common peace and quiet, cannot be effectually provided for, if it shall be indulged to any, to appeal from the Laws to themselves, and to judge their Judges: So honesty and Religion strictly binde them to preserve their faith intire, and this contract inviolable.

The paines I have taken, to lay open, by way of introduction, to the view and examination of all that desire reall satisfaction, the foundation upon which rule and subjection are built, will appear not so delightfull, as it was necessary. And it is no otherwise in the works of Art, *operum fastigia spectantur, latent fundamenta*, passers by admire the superstructure, when that strength which supports the most elegant piles, lies deeply buried in the earth, and unregarded. It were very strange, if any man should be so prodigiously weak, as to suffer himself to be perswaded to remove his Chambers and Galleries into a healthier ayre, a pleasanter prospect and more commodious Scituation; and yet the same unreasonable advice is hearkned to, concerning the C-

The foundation upon which States are settled, overthrowed; if the people be made

Judges of their safety, and allowed to use any means which thy fancy conducing thereto.

Liberty to resist those in whom the Law places *ius gladii*, the right of the sword, destructive to the very nature of government.

vill frame, without any consideration of the ground-works. *Populi salus suprema lex*, is the Engine by which the upper rooms are torn from the foundation, and seated upon fancy onely, like Castles in the aire. For the safety of the people is really built upon Government, and this destroyed the other, *non san edet, sed cumulus erit*, will be soon swallowed in the common confusion; but this is evidently and demonstrably ruined by these principles. For Government is an effect not of a peoples divided natural powers, but as they are united and made one by civill constitution, so that when we call it *supream power*, we impose an improper name, and have given occasion for mistakes (yet I shall not endeavour to alter the common use of speaking, but onely to prevent a misunderstanding of it) because indeed this power is simply one, and when it doth expresse it self by one person or more, according to different forms) who yet are but severall parts of one Government, there is not less the Kingdome or Common-wealth, any civill, that is any legall power, which can appear in resistance, because all of them have bound their naturall hands by a publick agreement.

Hence it follows, those that will allow any power to Subjects against their ruler (let it be, one man, or many united by one common forme, which is the consent of the major part, and this is not capable of division) doe thereby dissolve the sinews of government, by which they were compacted into one, and which made a multitude a people, and so break the Common-wealth into as many peices, as they have set up opposers against it. For there can not be two powers, and yet the Kingdome remain one. This is that, which distinguishes *France* and *England* and *Spain* from one another, because they have three powers legally distinct, and are the same in relation each to other, as three particular men meeting in some wilderness, and considered as not having agreed to any Laws of Society.

I am fully perswaded, no sober man can imagine the policy of the State is so defective, as to open a necessary way to its own ruine, that is, to divide the Kingdome legally in it self; and therefore it must necessarily be granted, those that take up Armes being not authorized so to do by law, are guilty of rebellion, and the consequences of it; murder and rapine. It is very easy to determine, whom the Law hath armed with power, because not any part of the people, nor the two Houses, but the King alone is sworn to protect us, which is an evident argument, he is enabled to effect this end, and that the necessary means to compass it, which is the *posse regni*, is at his disposal.

By these generalls thoroughly digested, and rightly applied, we shall be able to rule particular decisions.

I shall desire one thing especially may be remembred, as which hath great influence upon all cases. Though what is truly the right of any one, doth not cease to be so naturally by anothers sentence to the contrary; yet after positive constitutions, upon a Judges decision, he can challenge no title to it, because by his own deed, and consent, he passeth it away in that judiciary determination. And equity and prudence both dictate; that it was a most honest and reasonable agreement, as conducing to publick peace, and the quiet of mankind, that persons publicly constituted and more unconcerned in the decisions, should put an end to all debates. Because otherwise the controversie was not likely to be ended, but with one of the parties; For each man out of natural favour (the strongest corruptive of judgment) inclining to his own Interest, there was nothing left but force to determine it. There cannot be a more unhappy administration of Justice, then when strength is made the measure of right, and when all Judges are bribed as passing sentence to their own advantage.

SECT. II.

THe following Section shall be spent in proving the proposition, by which the consciences of all Subjects must be directed.

It is unlawfull to resist him, or them in whom the supream authority, (that is, all the legall power of the Kingdome) is placed, and no dispensation (grounded upon what persons soever, as inferiour Magistrates, or on any cause, as the extream abuse of this power to their oppression) can excuse such resistance from the sinne of Rebellion.

Upon this pillar not only Monarchy stands firm, but all other Governments are equally supported; the generall reason being applicable, according to the difference in severall formes.

In the third Section, I will bring the case home by our selves, by proving this assumption; The King of *England* hath this supream power, and then I shall leave it to every mans conscience to inferre the conclusion, therefore it is unlawfull to make resistance against their Sovereign.

In the fourth Section, I will answer all the evasions, (how plausibly soever founded) which I could meet with in the severall writings of those men; who, though they strike at the King down right and more immediately, yet by plain and evident consequences, they destroy all civill society.

By way of conclusion, I will shew, though such a power of resistance, as they or any others have yet openly pleaded for, should be granted lawfull (as when in their own defence, or when he that hath the highest authority, and is bound by the Law of God and his own oath, to administer justice equally, yet after frequent representations of their grievances, and most just Complaints of their great sufferings, affords no redresse) yet this can be

be no justification of the present Warr against the King, nor acquit the Actors in it from being Rebels. Because this cause is evidently not now, as will appear after a view taken of the causes of this unnatural, and illegall division.

The proposition to be proved, is, It is unlawfull to resist him or them in whom the supream authority (that is, all the legall power of the Kingdome in order to raise Armes) is placed, and no dispensation (grounded upon what persons soever, as inferiour Magistrates, or upon any cause, as the extreame abuse of this power to their oppression) can excuse such resistance from the sin of Rebellion.

I make no question every man will apprehend, that by resistance here, is meant only hostile opposition, and not a refusal to put unjust commands (measured by divine or humane laws) in execution; for the truth is, if they are, or seem repugnant to Gods Law, for then they are so really, in respect of those who have that apprehension; *idem est esse & apparere*, in this case of good and bad: (because whatsoever is not of faith, is sin) we must conform our practise to that standing rule, layed down by the Apostle, *Deo magis, quam hominibus*, we ought to obey God rather than men, we are bound (to use Tertullians phrase) *temperare majestatem Caesaris infra Deum*. The reasons to the contrary for absolute and unlimited obedience have no solidity.

One is upon a false supposal, that at our entrance into civill society we submitted (as our wills, by which is meant not the faculty, but the effects of it, which were in our power, and which are subjected as farr as they were in our power, that is, in all honest performances, for *peccare non est nostri juris*, so) our understanding, and consequently, though in our private opinion, such actions were unlawfull, yet if commanded and said by our Rulers to be just, our publique judgment (which we had given them right to passe upon good or bad) did pronounce them honest.

Differences between not obeying against Law; and hostile resistance to a lawfull Sovereign.

Active obedience against Gods law, sin.

Objections to the contrary.

A second argument is, though we think such actions unlawfull upon a particular comparing them, with the measure of right and wrong, divine precept, or prohibition; yet from a more generall reason, we think this thought of ours condemning such actions, to be an error, and so if we do, what we think in our private judgment God hath forbidden, we do *contra opinionem agere, sed non contra conscientiam*, practise against our opinion, not against our conscience, because that is swayed by this generall reason. If when Rulers say such a thing ought to be done, I say, it ought not, the sense of it is: I am wiser then they. But if I grant them the more able men, I must needs think they are likely to make truer judgement, and so am bound to submit to the greater discretion, because in morall differences, which are not capable of demonstration, I must guide my practise by the highest probabilities of good. If Sheep knew how apt they are to go astray, they would be content to be guided by the shepherd, and therefore Governors, who are *voluntarii leges*, are to direct us in the wayes of safety. He that shall undertake to be his own master, will have a fool to his scholler; and he that refuses to follow his guide, and fancies some private turnings, is likely to misse his way, and through many wanderings, to come weary to his journeyes end.

A third argument is, to challenge to our selves the judgment of good and evill, is the fruit of that bitter root of Adams disobedience; *Eritis sicut Deus, scientes bonum & malum*, was the temptation, and the sinne was, he did eat of the forbidden tree of *knowledge of good and evill*. He was not content to be acquainted with good only, submitting to (that which made actions good or bad) the command or prohibition of him, who had dominion over him, but began to examine the justice and reasonableness of them, and so would make himself like the Law-giver.

The

The answer hereto is easy by distinguishing those things in which God will require from every one a liberty of judging, and a conformable obedience, from things more obscure, and which will require a deeper search then ordinary understandings can make.

Answer.

Of the first sort are the plain and familiar truths laid down in Scripture of which St. Paul bindes us to be so confident, that though an Angel from heaven should preach any other doctrine, we may not admit it. As likewise many morall duties easily discerned even by weak apprehensions. If this were not so, the Apostles rule could not lawfully be made use of, *we must obey God rather than men*; and the people would be bound to follow their blind leaders into the pit of destruction. For Christ tells us both shall fall into the ditch. But the Apostle allows them to whom he spake, to examine his doctrines of this nature, by the rule of their own understanding. I speak as to them which have understanding, judge ye what I say, and judge in your selves, is it comely, &c. and in the verse following, doth not even nature it self teach you? &c. This case is clearly decided in the 4. to the Rom. where we learn, if we condemn our actions, though in themselves not blamable, yet to us they are sin, v. 12, 13. Happy is he that condemneth not himself in that thing which he alloweth. He that doubteth, is damned if he eat, because he eateth not of faith; wherefore he gave a generall command in the fifth verse, let every man be fully perswaded in his own minde.

Of the latter sort are things more intricate, & which cannot without great difficulty be judged of. Being such for the most part wherein not mens honesty but their prudence is exercised. And here a submission of judgment is very reasonable. As in law cases to be swayed by the professors of it, or if we build a house to be directed by Artists, or in a tempest to take the most probable way of escaping, by relying on the pilars steering

steering the ship, and forbidding unexperience passengers to run to the helm confusedly and alter the course, according as their ignorance, and fears prompt them, upon a conscientious madnesse, that they shall be necessary to their own death, if they put their lives out of their own hands, though they commit them to seamen, whose experience hath better enabled them to avoid the Rocks and the shelyes: And thus in civill Government wherein the greater part of men can have no great insight, to trust the managery of the publique safety, to persons wiser then themselves, and to binde one another to perform al offices in relation to this end, according as they shall be commanded by their governours, and not to rule their law-givers by disputing the unreasonableness of what is injoynd. And to this captivating of their understanding religion obligeth them; for God is not a God of sedition, of mutiny, and confusion, but of unity, order, and of peace.

The case thus resolved produceth an excellent temper in mans obedience; as by which we render to *Cæsar* the things which are *Cæsars*, and to God the things which are Gods. Be subject to every ordinance of man for the Lords sake. This binds universally, those onely cases being excepted, which God expressly and evidently reserves to himself; and in them we must take law from the more powerfull. Fear not them which kill the body, but are not able to kill the soul, but rather fear him which is able to destroy both soule and body in Hell.

No inconveniencies from this Doctrine rightly stated God to be obeyed rather then men.

This liberty of denying obedience can neither be offensive nor dangerous to authority.

First, not offensive, because Magistrates can challenge no more right over our actions, then God gives them, or we our selves had, before we submitted them to their commands; which was none in this supposed case, because a dishonest deed, *non est nostri juris* is not in our power. We can no more passe away by promise Gods right to our obedience, then we can covenant to transfer

fer and give away another mans goods or demeaſures.

Secondly, It is harmleſſe in the conſequences, becauſe if any out of a reall or ſeeming repugnance to diuine precept, deny active obedience, they muſt confeſſe themſelves obliged by the ſame conſcience of obſerving the Law of God, not to reſiſt that authority, which he hath armed *pure gladij*, with the right of uſing the ſword, probably to this end, that Religion might not be a cloake for Rebellion, and that we might not dare out of the fear of God to violate the order of diuine providence; by which he hath thought fit to govern the world. This is the patience of the Saints, which ſhall be rewarded with heaven, becauſe they ſuffer, rather then do evil for earthly conſiderations, as being aſſured, God hath forbidden them, though for prevention of their particular and undeſerved miſery, to diſturbe the publike happineſſe, by reſiſting that power, which Scripture tells them is from above. It oft times pleaſes God to make uſe of ill Governours, and their unrighteous judgment may be his juſt ſentence for our former tranſgreſſions; if it be his will to ſcourge us by them, no ſmart ſhould tempe us to cut his rodd in pieces.

Becauſe generally men are hardly brought to entertain a truth, which ſeems diſadvantageous to them, and comes in ill company, attended with affliction, *Quis enim ſacile credit, propter quod dolendum eſt?* (though this ſhould not be amongſt Chriſtians, who are *crucis candidati*, & *quibus frui fas eſt Diis iratis*, and who ought to rejoyce in their preſent ſufferings, as the exerciſe of vertue, and that way to eternall glory, which our Saviour hath chalked out both by example and precept.) I will uſe the greater diligence in evidencing this point by all kinde of proofs, of which the matter is capable.

If we look back to the Law of Nature, we ſhall finde that the people would have had a clearer and more diſtinct

*Difference
between Law
of Nature &
Right of Na-
ture.*

strict notion of it, if common use of calling it *Law* had not helped to confound their understanding, when it ought to have been named the *Right* of nature; for *Right* and *Law* differs as much as *Liberty* and *Bonds*: *Jus*, or *right* not laying any obligation, but signifying, we may equally choose to do or not to do without fault, whereas *Lex* or *law* determines us either to a particular performance by way of command, or a particular abstinence by way of prohibition; and therefore *jus Natura*, all the right of nature, which now we can innocently make use of, is that freedom, not which any law gives us, but which no law takes away, and laws are the several restraints and limitations of native liberty. Upon this ground I have shewed already the right of nature cannot be pleaded against positive constitution, that being a permission only, and not an injunction, and therefore ceasing by a subsequent obligation arising from promise and compact, when multitudes became one Civil body.

*Their own
Schem of
Government
serves our
turn, & ju-
stifies the
Kings cause.*

I was unwilling to weary the Reader by an unprofitable debate, and different stating of the original of power. For though it be most true, that paternal authority was regall, and therefore this of Gods immediate constitution, and founded in nature, yet is not much pertinent to the present decision, nor can it necessarily concern modern controversies between Rulers and People. Because it is most evident, no King as this day (and much lesse other Governours) holds his Crown by that title, since several paternal powers in every State are given up, and united in one common Father, who cannot pretend a more immediate kindred to *Adam*, then all the rest of mankind. For this consideration, I thought fit to lay down their own Schem of Government, and let them make what advantage they can, by presenting to your apprehension a multitude before a people, like a heap of stones, before they are cemented and knit together into one building. I shall only desire my adversaries would

not

not betray so much want of ingenuity, as to make this favour of joyning issue upon their own principles, a contradiction. For I thought it losse of time to insult upon their mistakes in the manner of derivation of power, when all of us agree well enough in the thing. That after the multiplying of mankind, there was an Anarchy is confess'd, only they impure it to a want of all Law and Rulers, and we derive it more naturally from the multitude of Governours, whose wills being various, were so many distinct Laws to those that who were under them, when in every family was a Kingdome.

(Οὐκ ἔστι γὰρ ἕκαστος
Πάσων ἀνδ' ἀλόχων.

as Euripides describes the Cyclops: their subjects were their own flesh and natural Princes, being wives and children), when there were so many absolute Princes within the compasse of a Parish, that a man had scarce room to walk in a Territory; when a Commonwealth was lodged in a Cottage, this πολυκοιγενία was the mother of confusion, and by reason of such a multiplicity of Kings, it was not ill stiled *χρόνος ἀκατάστατος*. Though they had absolute power, yet it was confined within a narrow compasse, and if they exercised any jurisdiction, or made use of their liberty to the prejudice of neighbour states; this begot controversies, and both parties having right to be Judges in their own causes, they made force the measure of decision, and who was strongest could not be known, but by the issue of the war.

Quis justius induit arma
Scire nefas, summo se iudice quisque tueretur.

Hæc acies victum sacra nocturna est.

To prevent those fatall mischiefs to which they were subject, while they lived in this hostile State, evidently occasioned by their divided powers, a way was found out by making their individual strengths, and the many narrow authorities (which still juss'd one another)

one legall power, and this was placed then with great prudence in one person, to the end the cause of their sufferings might be fully taken away, and that there might not be left a possibility of relapsing into their former miseries, which proceeded from opposition between equall authorities. Thus I grant to them their own Scheme, yet without prejudice to that truth delivered by *Cedren*, who makes *Adam* the Catholique Monarch: *Οὐτὸς ὁ κυβερνῶν τὴν φύσιν τὴν ἀνθρώπων, ὡς ὅλης αὐτῶν τῆς οἰκίας.*

As reason first represented to them Monarchy, as the most perfect forme, (from which their want of Government was a defectiōn; for we may say of Anarchy, *Non fuit sic ab initio*) so sense confirmed it; they having happy experience of those eminent advantages peculiar to this constitution, as unity, secrecy, and expedition. The *Roman* story doth approve this wisdom, by the acquainting us with the farall miscarriages, and bad successes of their Armies, when commanded by two Generalls. And if we look upon this State in peace, we shall finde by putting down Kings they laid the seed-plot of those many miserable civill wars, with which that people was so frequently, so extreemly afflicted.

The govern-
ment of
Rome ac-
cording to
the forme,
democratical
but accor-
ding to the
practise, an
illegall Mo-
narchy.
Different
judgment

The forme of that Commonwealth was Democrati-
cal; but if we judge of it, not as established by Law,
but according to the practise almost in all times, we
must pronounce the Government an illegall Monar-
chy. For either some one man governed the Senate,
and made them an instrument to oppress the people,
or else (according as was aptest to advance his inte-
rests) siding with the people, and telling them the
Nobles took too much upon them, he by their power
compassed his private ends under the names of com-
mon good, and publick safety.

The truth is, the different judgment of the best state
doth de facto open a gap to sedition, because men na-
turally

usually desire to live most happily, and are easily tempted to contribute their endeavours to any change, which they fancy for the better; though in right it ought not to be so; notwithstanding some forme might be proposed, which were really more perfect, because our faith once given to the present Government, cannot be recalled; this civill-union is as fast tyed as the marriage knot, we are bound to take it for better for worse. And if otherwise, States would probably be shorter liv'd then men, as having their foundation on the sands, that is, on the inconstant wills of the people, who are blown about with every winde of contrary discourses. But in this Dispute, concerning the best forme of civill society, there is a great fallacy, as yet not fully discovered. Schemes are drawn in speculation; & politique discourses are framed; which bear much resemblance with some figures of Mathematicians, which are made with much ease upon paper, and with appearance of solid demonstration, so that the Schollers not able to object against it; entertaine it for certaine knowledge. But when reduced into practice in wood or stone, the failings are presently seen, and their contemplations appear vaine and unprofitable; because they did not take into consideration the capacity of the Subject, on which they were to worke; nor fore-saw what resistance the matter would make. This error is committed in the comparison of States; and many plausible reasons are laid down for the rule of the Nobles, or of the people; which are best confuted by experience. For, when it is debated, whether Monarchy be the most convenient government, the true sense of it is this. (if we judge according to the frequent practice; which in Politiques is made the most reasonable measure of Laws) whether the people will live more happily when Law places the supream power in one; and nominates that person (by which no room is left for division) or when one man being more active and crafty then his fellows, who ought

Fallacy in discourses, concerning what kinde of Government is best.

to have an equall share in this authority, raises a faction upon plausible pretences, and under colour of serving his side, perswades them to be commanded by him, and so exercises the supream power in an illegal way: which as it is compassed by ingaging the people in misery, under colour of making them more happy, so it must be kept up by as bad arts, and an Army must be maintained, to make good by force, what Law cannot justify.

I do not wonder, (for it is no strange thing, part of the people should be unwise) that some should be induced to cast off Monarchy. They are told, it is very unreasonable that one should have all the power,

(Toto liber in orbe

Solus Caesar erit;)

They may upon the same ground perswade them to quarrell with God Almighty. Their meaning is (though they dare not speak out) there is no Government good, unless they have a share in it. This interest of being joynt Sovereignes, makes them unable to see, or else willing to dissemble the apparent dangers which division threatens; as likewise the great disadvantages which wait on slow proceedings, (counsels as well as men, growing weak by age) and the unhappy miscarriages of brave undertakings, because not managed with fitting secrecy. All these three are plainly spoken in many Governmentours, Faction, Delay, Opennesse.

The method whereby the peoples affections are poysoned, and woone to a dislike of the present State, and by degrees, brought first to desire, then to attempt an Innovation, is this. All the defects (how unavoidable soever, by reason of secret lets and hinderances not to be foreseen, as depending upon many circumstances, which are variable according to other mens wills, and which they have not the honesty to put the people in minde of) are with great care represented to their considerations, and much diligence is used to set before them a perfect Catalogue of what ever faults have been committed

By what
means so
many of the
people are
misled unto
Rebellion.

committed by inferior Magistrates and under Officers; and as they have excellent memories in repeating grievances, so they have learned an art (very convenient for their ends, and for creating a misunderstanding between King and people, that they may manage the discontents of the Subject to advance particular designs) to forget the severall satisfactions given by Princes, when upon generall complaints, they are fully instructed in their Subjects suffering.

The next work is to assigne such a cause of these corruptions as shall open a way to the alteration they aime at, which is, to impute them to the nature of a monarchicall government, by telling them, their happinesse is built upon a very uncertaine foundation, the will of one man, and if he be bad, they must surely be miserable.

Lastly, a promise is made, of healing all their evils and the remedy is, *multitudo medicorum* (the same plausibilities may be urged to perswade an entertainment of many Physicians about a sick person, as about a distempered State, but experience masters these reasons and hath demonstrated the danger of it) they must place the Sovereigne power amongst many, so the end, if one should faile of his duty, others may supply it, if one should be willing to oppress, others may be able to protect them. It fares with men in the distempers of State, as in those of their bodies; They are easily induced to make tryal of what any man tells them will do them good, and they have the strongest phancies to those things of which they have least experience. But the Fallacy which abuses the people is *non causa pro causa*; there ever was and alwayes will be matter of Complaint, under what kinde of regiment soever we live, and till men be absolutely perfect, the Government cannot be free from voluntary corruptions, and naturall frailties must have an influence upon every state. This tampering

with the Body to reduce it to perfect health, hath overthrowed many excellent constitutions, and such kinde of physick proves the most dangerous disease. Wherefore we must not fall out with our selves upon every distemper, and presently think of altering our naturall habit, least we make our selves well onely as dead men are so. It may become Stat.-doctors to take notice of Hippocrates his Aphorisme, *consuetudo longo tempore, etiam si deterius, a, insuetis minus molesta esse solent.*

*Fallacie of
unequall
comparison.
Greater
hopes in Mon-
archy; greater
fears in
an Aristoc-
racy.*

It will concerne us in prudence to take that course which will convey to us the greatest goods, and is the most probable way of avoiding the most evils. And this I conceive monarchy is most likely to effect, and I make no doubt, the people would be of the same opinion if their affections had not been craftily prevailed upon, by that miserable fallacie of unequall comparison, between a King not performing his trust, and Nobles not failing of their duty (as if the word *desertion* or optimacy would warrant it,) whereas if they were put into a just ballance they ought to be supposed both good, or both bad, and then a true judgment might be made of the mischiefs and advantages: Then we should clearly discern, we have greater hopes under a virtuous King (suppose both good) and greater fears under a vicious Nobility or Senate (suppose both bad). And besides, there is one very considerable circumstance, which ought to rule much in the decision; it is much more probable we shall have a good King, then a good Nobility. (I take good in a politique sense, for that only concerns the present dispute, and understand it in this notion, as providing for the peoples happinesse.) Because his interest is the same with that of the People, which is strong State-security; whereas that of particular Nobles, and much more of men of lower rank, where such are admitted, is divided from the publique happinesse. The Commonwealths of Greece will afford many examples of persons selling their Country, and putting the Great

Great Councell upon ill attempts, and labouring with *Kings inter-*
 their utmost cunning to frustrate good designes, because *rest the same*
 their dependence upon a foreign Kingdome or State, *with the*
 was worth much more unto them, then they could hope *people; that*
 to gaine by honest service to their Country.

First we have greater hopes under a vertuous King, *of Nobles*
 because upon supposall that both be willing to promote *divided*
 the peoples happinesse, yet he is more able to compass *from their*
 that end, by reason he hath a more united power; and *happinesse.*
 the execution of whatever designes, depends but upon *Much great*
 a single resolve, and therefore may be managed with *ter happi-*
 certain closenesse, and all convenient swiftnesse, so that *nesse in Mo-*
 good counsell shall be first discovered in the effects: *narchy.*
 whereas a great body moves slowly, and most times the
 opportunity of doing is gone by, while they are but half
 way in their deliberation.

Subjects, living under good Lords or Senators (such
 as value the honour of being esteemed worthy patriots,
 above the advancing their own fortune, or raising chil-
 dren, or preferring friends, *subsidia dominioni*, or en-
 riching kindred, and these qualities rarely meet in the
 major part of an assembly) seeme to me to be in the same
 state, as children who have lost a father, and whose for-
 tunes by his care are left to Feoffees in trust; these though
 extremely honest, yet by reason of necessary particular
 cares, which more immediately concerne them, and be-
 cause they are many, and so every one expects the rest,
 will probably be carefull to performe this trust, and
 therefore he may be spared, and allowed to spend his
 time more advantageously in improving his own estate,
 especially this performance of faith to a dead man being
 a very barren vertue, either the wages being paid be-
 fore, or else nothing allotted. He presuming upon
 their goodnesse and frequent deep Protestations of lov-
 ing his equalitie to themselves, and thinking it an un-
 worthy thing, to set a price upon an old friends fidelity,
 and so leaving it to be rewarded onely by heaven, and
 the

the same honest care in others of their children; These I say, out of real or very plausible hinderances, are forced to neglect the childrens portions, and the poore Orphans receive uncomfortable satisfactions. They would have been in much better condition, though strangers in worldly affaires, if wholly left unto themselves, because their necessities would have quickned them; whereas now their hands are tyed up from helping themselves, and all they can contribute towards making themselves Masters of their own fortunes; is a fruitlesse impudence in vainly importunating the curators: So is it most times in the Government of many, though understanding, and good men; which is a rare happiness, and yet no security against miseries, because *omnis commune negligunt singuli*, what belongs to their common care, frequently miscarries by particular negligences.

Secondly; We have greater fears under vicious Lords or Senators; That is, it stands with clear and evident reason, we should be more miserable, living under many Tyrants, than under one. The thirty tyrants of Athens, and the Decemvirs of Rome; and that state variously oppressed; sometimes by the Senate, sometimes by the people, and at length so prevent ruine *causas in finem imperatorum*, are examples of this sad truth. That which makes a people out of love with Monarchy, is a contemplation of the miserable consequences of abused power, whereas the Government by a Senate is more apt to degenerate, and the oppressions under it are more intolerable.

Monarchy, a more healthy constitution.

As there are many advantages peculiar to Monarchy, so there is not any one inconvenience to which a people living under an Aristocracy (as to instance for the better understanding it, under a Parliament, as it is now mistaken for the two Houses challenging absolute obedience to their Ordinances, without the Kings ratification; say, against his plain denyall, by which they

they are null by the Law of England) are not subject in a much higher degree.

Let us suppose a Prince to be lustful, or cruel, or covetous, or prodigal, and wasting what might be employed on the publick upon favorites: If these vices are so grievous, when confined within one breast; to what height will our misery swell; when they shall be scattered through all parts, and be active in each corner of the Land? Their wives and daughters may be safe by distance, and live out of the reach of one mans embraces: If his lust desires are so insatiable, how can they weary those of so many! Secondly, it is more easie now to incur the hatred of one, whereas there are scarce possible ways of compliance with so many cross humors. One will never fall out with all; for he knows he should have an ill match of it, whereas the whole State may suffer by cruelty exercised by divided oppressors, because each man gives full reins to his revenge, as thinking it safe enough, the fears from a few persons crushed by him, being below the delight of manifesting his power in his enemies calamity. Thirdly, the covetousness of Senators is more devouring, because we may feed one fire with less expence of fuel, then a hundred. And fourthly, a Princes profuse spending upon favorites is infinitely over-balanced by so many providing for their poor kindred, and making friends, and purchasing dependants. This art (very necessary to all men employed in State affairs, who are subject to various censures) of underpropping their reputation, and hiring Advocates to plead for them in their absence, must draw out very considerable sums, and be more chargeable to the people (from whom the supplies must come) then the bounty of one man, though showered down over-plentifully upon some few privadoes. The wisest States have ever made ample allowances to enable their Prince to bestow favors according to merits, or liking (the privileges of every private man) it arguing a noble soul to be bountiful.

*The diseases
of a Senate
more violent.*

Easy remedies for a sick Monarchy.

The diseases of a Senate incurable.

The miseries of a Kingdom when a child governs, an argument for Monarchy.

It hath been shewed already, that Monarchy is a more healthy constitution, and that when sick the diseases of it are less violent; and it will easily be made to appear, they are more curable. Good counsel, or at least age and experience hath reformed many Princes; but however our grievances are mortal, the death of one opens a way to better hopes: but the corruption of a Senate ends in dissolution. Tacitus gives a full character of the distempers which are fatal to a degenerate Senate. *Inter Patres plebemque certamina exarsere, modo turbulenti tribuni, modo consules prevalidi; & in urbe ac foro tentamenta civilium bellorum. Max e plebe infima C. Marius, & nobilium severissimus L. Sylla vitam animis libertatem in dominationem verterunt.* a. hist. There arose hot contentions between the Nobility and Commons; now the factious Tribunes bore sway, then the Consul kept them under. In the City and the place of public assembly there were frequent skirmishes, the Preface and Essays to a civil war. Amongst *Caius Marius*, the meanest of the Commonalty; and *Lucius Sylla*, the cruellest amongst the Nobles, destroying their liberty and property by the assistance of their illegall Militia, introduced an absolute and unbounded Government.

There be some, with whom that of Ecclesiastes prevails, *iron to thee O Land, when thy King is a child*, and they think it a strong argument against Monarchy, because this calamity is not incident to a Senate, they not being subject to non-age. But this place rightly understood, is a very full confirmation of the happy condition we have reason to expect under Monarchy, and of the calamity and woes which probably attend an Aristocracy. For the cause of those miseries foretold is plainly this; A King during his infancy being not able to rule, the government is managed by the Nobles. Whence we learn, that change which the people oft times with blind earnestness, labor for,

for, is to be found in the catalogue of Gods judgements, and they sue for, and by wicked arts endeavor to compass their own punishment. It is an argument of Gods great mercy to them, that he fights against them; if he were thoroughly angry, the designs of innovators would have better success. This truth is warranted by Scripture, *For the transgression of a land, many are the princes thereof: but by a man of understanding and knowledge the state thereof shall be prolonged*, Proverb. 28. 2.

To all these corruptions a popular state is more subject, and the imperfections of it are so much the greater, as it is farther distant from Monarchy; the temper of it (which is unity, the soul of government) being more easily dissolved. Those which cry it most up, will be unwilling to admit it in their families, which are smaller principalities. Three things especially have made it so taking with the vulgar. 1. A pretended impartial administration of Justice; Secondly, An empty name of liberty; and thirdly, the so much applauded equality, by which they seem to reduce their civil constitutions to the primary laws of nature, which gave to all men a common right.

Concerning the first, their hopes that justice should be more equally administered; are grounded upon this probability: It is very hard to corrupt a multitude into favour or respect of persons. (though some rivers have been infected, the Ocean cannot be poisoned.) A man may satisfy the interests of one or some few, but to buy injustice of so many would be no thriving trade, he might more cheaply lose his cause. This is a plausible, but very fallacious argument. Because experience makes it evident, that to prevent the evils of division, which the many following particular and cross interests do beget, one remedy is constantly made use of, which is this; some few of the more crafty Citizens, who have gained credit with them, agree together in private,

*More equal
administra-
tion of justice
without
reason, and
against expe-
rience, pro-
mised in this
form.*

vate, and order businesses at their close Committee, and so undiscernably lead the multitude on to whatever they call the publick good, of which, they having prevailed upon their affections, are esteemed the most competent Judges. And what is this, but to pretend to a Democracy, and be governed by an illegal Aristocracy? By this means any one of the Juncto (for they must gratifie each other mutually) is enabled to stop the course of law in a friends behalf, and to put a sharper edge upon the sword of justice when it strikes an enemy. These kind of men have got the Art of changing the peoples opinions of just and unjust, according as it is more suitable to their own profit, and they are not so much beholding to any solid wisdom for it, as a kind of frothy eloquence, which we may observe in their set speeches and declarations, with much cunning fitted to the capacity of their auditors. They do not at all trouble themselves to satisfy reasonable men, for they are but few; and can stand them in little stead, where things are carried by the greater number, and reasons are not weighed, but told. The art is, to apply their harangues to that which rules weaker men, the affections (*suadendo docent, non docendo suadent*) and these are easily convinced, and made the measure of their judgement; the want of weight in the premise being supplied by an extraordinary love to the conclusion. It was too truly said in reference to these popular decisions.

utilitas iusti prope mater & aequi est.

From this fountain arise the many debates amongst men in civil affairs. For in Mathematical knowledge, because it concerns not *meum* and *tuum*, there is an unanimous consent; all agree, what lines are straight, and what crooked; but the judgement of right and wrong, are as various as their interests different.

The objecti-
on of greater
liberty, an-
swered.

Secondly, concerning liberty, it is very strange that men should so generally fall in love with a bare sound,

and court a name of freedom, which duly examined, will be found to signifie nothing. They cannot mean by it a looseness from all laws, because their intent is to change, not take away government; they dare not own such a pernicious licence. And therefore the true debate amongst men, is not whether they shall admit of bonds (that is, such obligations as laws lay upon them, these are readily embraced) but who shall impose them; the question is not *an servient, sed an uni vel pluribus*, and it is commonly called liberty, to serve more masters.

The restraint of our freedom is that which is most valuable amongst the benefits of government. For this preserves peace between men, that their hands are tyed up from doing injuries. Though we naturally delight in a full and absolute liberty, yet the love of it is over-ballanced by fears; every one could wish to retain it self, but not upon this condion, that all others should enjoy the same freedom. Because as the contemplation of our own liberty is pleasant, to do what we list, so there is a more sad consideration arising from the thoughts of others freedom, to make us suffer, as much as they may be tempted to inflict.

Thirdly, concerning equality, if they urge, it comes nearer to the law of Nature, by the same reason they must dissolve the bonds of all government, since there can be no Magistrate, no Superior and Inferior, and *Equalitate nihil est iniquum.* *par in parem non habet imperium*; so we must indulge to every man to do what seemeth good in his own eyes. This argument doth not conclude for one form above another, but equally destroys all, and is applied to a popular State, only out of resemblance of some imperfections common to both, because that government comes nearest to none, and is but few degrees removed from Anarchy and confusion. But the truth is, this equality which they so passionately affect, is clearly against nature, who, if an equality of rewards had been

been intended, would have made all men equally deserving. Reason doth teach us, since it is manifest, we may excel others by education and industry, greater encouragements should be allotted, in consideration of the charges of good breeding, and of the extraordinary studies, whereby men enable themselves for the honor and good of the publike. Besides this equality, though pretended to conserve, doth in truth destroy amity; for none are so quarrellsome, none so subject unto envy, as equals.

We may judge of the thriving of popular States, by what we observe in commons, which are always poor, and bare, and if taken into one mans hands, would be improved fourfold: we finde by experience what all should look after, is neglected by every one, whilst each man thinks his particular expence of time and study will not conduce much, and that they may be supplied by others, and therefore he chooseth to imploy them rather on his private interests much more profitably.

Seeing that the greater part of men in popular sway, are bred up to gain, they make profit for the most part the rule of their actions; and so entertain but little sense of honor. And hence this State is easily corrupted by their low affections, so that particular persons may be sometimes rich, the State can never be glorious. How can the happiness of that Commonwealth be lasting, where the wiser and honestest part being still the fewer, must be ruled by men of weak understandings, and of corrupt affections, men extremely violent, if they be not awed; and in their fear irresolute in all their proceedings, men not capable of secrets, so that they expose themselves to all disadvantages? Their assemblies are full of inconsistency and disorder, it is very hard to separate tumult and multitude. The wiser sometimes dare not speak, fearing the madness of the people. For if things should succeed ill by some secret
lets;

lets, they are sure to suffer for the event, since amongst such Judges it is not enough to counsel prudently, unless fortunately also. The States of *Sparta* and *Athens* will afford plenty of examples.

If they be not united by fear of a Foreign war, they will quickly break out into a domestick. They are well compared to the raging of the waves; their contrary humors easily raise a tempest. The united Provinces are thought by many to owe more to the *Spaniards* constant enmity, than to the aids of *English*, *Scots*, or *French*. (And yet without their assistance they had been long since swallowed up) and they may thank the Justice of Monarchies, that these friends made them not a prey to themselves. He is a stranger in the *Roman* story, who knows not how fatal Mercenaries were, when lent by a Commonwealth. If he would not have fought with them, he had conquered them long ere this. The fate of *Greece* would have been theirs, *Græcia civitates dum imperare singulae cupiunt, omnes imperium perdiderunt*: we see how the *Athenians*, *Lacedæmonians*, *Thebans*, *Arcadians*, *Phocians*, *Locrians*, *Corinthians*, *Boeotians*, with others, variously siding, that they might keep the ballance even, miserably warred upon one another, till at last *Philip* took advantage of their discords, and made himself King of all.

I have been tempted into this large digression, for the fuller satisfaction of the people, in whom a dislike of the present government is begot, and so a way is laid open for a change of it, upon pretence some other form would be more advantageous. Which first is not true, and therefore they have not any motive for disloyalty, since they would be dishonest against Interest. And secondly, if it were true in it self, yet it is not so, when a State is settled under another form; the certain miseries of a civil war, and the great difficulties of setting it together, when it is torn
into

into so many pieces, will be above any hopes they can reasonably propose to themselves. And thirdly, if it could be done advantageously and safely, yet it cannot honestly. They will forfeit Heaven for that, which in all probability will make them more miserable upon earth; and it were a sad purchase, if they should obtain as much as their ambition or covetousness can devour. Civil society is founded upon Justice, and supported by Religion, which obligeth us to preserve the faith of contracts intire. We are bound to stand to our bargain; though it should appear it might have been better made. Experience shews us, that States may live and flourish too under the worst form of government, and they are not immortal under the best. Let the imperfections be more or less, in this or that kinde of regiment, they cannot absolve the Subjects conscience; though he may have reason to prefer other Laws, he must have so much Religion to be obedient to those under which it pleased God to place him.

It is high time to make particular application of the former discourse, concerning the original of government, and by a distinct state of it to give light to all which follows.

True state of
government
in general,
with appli-
cation to
that of this
Kingdom.

Non est potestas nisi a Deo, saith the Apostle, *Rom. 13.* There is no power but of God, that is, the right by which the Magistrate governs, and all the jurisdiction he exercises is derived from divine ordinance. This may be conveyed either immediately, as amongst the Jews, when God designed the person, which now no State will pretend; or else *mediante populi consensu*, the consent of the people intervening; and this two ways, either by a free election, upon hopes from his extraordinary goodness; or by conquest, attended with a voluntary submission, upon fears from his extraordinary power, that he may be willing to protect, who was able to injure: whether of these motives presented the person, is not certain in the first times; but

but is clear their Empire was absolute (I exclude not the bounds of Justice according to the Laws of right reason, and equity) usually known by the name of *Craxialia*, in which *arbitria principum pro legibus erant*. Though this continued long in the world, and the Eastern people enjoyed a great measure of happiness under it, and therefore with great reason (to use the expression of Tacitus) *addidit admodum regnabantur*, they were subject most devoutly; yet the sense of some sufferings (as the fate of humane things is interwoven with a mixture of good and evil) suggested a remedy, which was to bound his power within the limits of positive Laws. From hence proceeded the different qualifications of Regal power in several Kingdomes. Some, though restrained by Laws, yet were truly Monarchs, *ὡς ἡνδραγαθὸς βασιλεὺς*, being not responsible for any breaches, as supream, though not absolute: others had the name and title of Kings only, but were subject to a superiour jurisdiction, as *Theſeus* to the people, the *Spartan* Kings to the *Epheori*. It is not necessary to determine that question, whether the frequent debates about the not observation and the breaches of these agreements, (which, a discontented part of the people challenging the liberty of being Judges in this case, and the King thinking he had as much right, did produce civill wars and most unnaturall distractions) have not heretofore, and will probably hereafter make States more unhappy then they were even in their worst times, and when they suffer'd most under the abuses of one mans power, whilst there was, though sometimes an unjust, yet alwaies a certain way of ending controversies; when a sentence, if it did not finde, yet made a right, *res judicata pro veritate accipiebatur*. To decide this, I say, is not altogether necessary, because the obligations which lie both on King and people; have their strength from this, not that he might better govern the people in such and such a way, but because this particular Government is established

lished by the consent of both parties : their wills give the forme to the regiment, and not the conveniences of it. To come nearer home, and grant as much as reasonable men, and those which understand the nature of Government can require. For I think they do ill service to the cause, though with good affections, who out of a desire to make it more firme and stronger, place it upon any other then the naturall foundation, and that which is only fit to support it, and take the rights which God gave to the Kings of *Judah*, for the measure of all regall authority, which if they were, all Kings would have equall power; but this evidently varies according to different Laws, and is more or lesse according to severall constitutions. That which is pleaded for in this discourse, as common to them and our Kings, is only *Jus Regni*, the right of Monarchy, not to be accomptable to any inferiour jurisdiction.

I shall not deny, a Kingdome may be so constituted (but then it is no Monarchy) that upon a reall breach of such or such conditions, named in the compact, and a forfeiture being expressed, the sword of Justice may be taken up by some Magistrates, appointed by Law, as the *Ephori* amongst the *Lacedimonians*; or by the people, as at *Rome* when the last appeal did legally lye unto them : for it did not alwayes, as when a Dictator was Created, he was the whole people for six months, and though the time of his Reign was limited, his power was not bounded, he was *divinus*, accomptable to none for what he did in his regency; no not when a private man again : and so under the Emperours, as appears by the *Lex Regia*, quoxed by *Ulpian*, which transferred all the peoples power upon him, (*L. quod. D. de conslit. prin.*). A mistake upon this hath seduced so many of the Kings Subjects into rebellion. For because it is made appear a State may be so established; and they are induced to believe, it is more reasonable it should be so established; upon these premises they conclude

conclude most inconsequently, that our state is so established, and in the strength of this fight against His Majesty, and did their best to kill Him, contrary to Gods ordinance, applyed to our civill constitutions, and repugnant to their own oath, in which they swore to be loyal in reference to His Person, and that they would defend His life with their utmost power.

That a Kingdome may be so established, a considering man will not gainsay. If the state of *Venice* should call their duke King, this new name would not convey any new power into him. Election or succession cannot rule the case; for an elective Kingdome may be conferred absolutely, as will appear in the *Roman* Empire, and a successive may be subject to forfeiture, if this be exprest in the Covenant. For succession is not a new title to more right, but a legall continuance of what was first gotten.

2. That it is more reasonable so to establish a kingdome, that the Prince shall be accountable to a higher power, either placed in some Magistrates, or in the people, (and then by the way it is not a Monarchy, but either an Aristocracy or a popular State) though this be very false, yet if it were true, it cannot justify this warr now undertaken, as things are ordered in this Land, against the King. Because Policy is no dispensation against observing known Laws, and we may not destroy our Governours out of reason of State; *Ma-chiavel* must not give Law to the Gospell. If we might challenge such liberty, there were not such a thing as Justice; our oaths would be of no force against interest; profit should be the measure of our actions, and we must conclude all right what ever was advantageous. Since then not such persons as they could better fancy, but those onely whom the Law hath confided in, and enabled to that end, can put Arms into the hands of the people, it concerns every man, as much as his soul is worth (for that will certainly be lost in those great sins

of Rebellion, Perjury and Murther) sadly to examine whether to fight against the King, be not to resist the Supream Power, to which God hath threatned damnation.

Non-resistance to the
supream
power, essential to the
preservation
of order.

Every state hath a supereminent dominion or paramount interest over all particular men, and what belongs to them, and consequently hath full power to restrain the licence of resisting, for the preservation of order and publique tranquillity. That it should lay such an obligation upon all Subjects, there is evident reason, because what the supream power, that is the State (in order to those things wherein supremacy consists) does, is truly the act of all, and none can have just of quarrel for dislike of what they themselves do; and moreover necessity inforces it. Because without this the essence and being of a State were destroyed, which is, Order. For this ceases, if first and last be confounded, and the City is dissolved into a multitude, and that which should be one body, becomes so many Independent men.

The benefits which are conveyed to us by men in authority, are described by Timothy 1. 3. 2 and he calls them *the leading of a quiet and peaceable life in all godliness and honesty*. It is not imaginable how they should be enabled to compass this end, except some sentence be supream, from which it shall not be Lawfull to appeal; and consequently except that power which Law armes, and which looks to the execution of what is decreed, be not to be resisted. For if it should be indulged to us to change our Adversary, and fall out with the Judge, and as oft as we think we suffer wrong by his determination, to take the freedome of righting our selves, upon this ground, that *his duty is to give righteous judgment; and therefore not satisfying that trust, he is no longer a Judge, then just; his sentence ought not to be submitted to; for we are not bound to be obedient to his will, but law; if he endeavour to put it in execution by himself or his malignant Officers; though we kill him, it is no fault, because violence was*

was offered only to his person, not to his authority, which was none in this case, because he judged against Law, and that gives not power to its own overthrow; it is evident this principle makes our strifes and debates endless, all all our Lawes would be writ in bloud; it breakes in sunder all the bonds with which the goodly frame of government is knit together, and robbes us of our peace under Anarchy and confusion. Out of this consideration the wisdom of all States hath thought it fit to secure the person or persons in whom the supreme power is seated, by the strictest Lawes, and most severe punishment, which cannot consist with a liberty of resistance, to the indangering his or their lives. By the Civill Law, a Souldier was cashiered, not if he did strike again, but if he only kept off some strokes, and held the rod of a Centurion; but if he broke it willingly, or offered the least violence, he was sacrificed to the Roman discipline, and expiated his offence by death. Certainly the people would have nourished in their breasts a greater reverence, and more awfull respect towards Majesty, if they had not been ill catechized and taught, that *Dei minister est nobis in bonum*, He is the Minister of God, might be construed, the Peoples servant; and that a King is but their creature, and therefore in duty is bound to submit to his maker.

The truth is, we find it called by *Peter ἀρχιεργατὴν* *archiergaten*; the people have a hand in it; this cannot be denied; but we have it in the same verse raised into a divine workmanship, *ὑποτάγητε τῷ κυρίῳ*, *The King is* acknowledge your selves to be subject, submit to the King, or breake not order, in which he is first or *Dei minister, not the* supreme, for the Lords sake: 1 Pet. 2. 13. The *poples servant, not* work is taken out of their hands, when they have contributed as much as they were able, which was to give *their creature.* up their divided powers, and unite them in him; their act made him the fountaine of all that power which they had, and by consequence the fountaine of all honour,

*The King
Gods repre-
sentative,
as well as
the peoples.
Power over
the life of
man, from
God only,
not from the
people.*

nour, that alwayes bearing proportion to the former ; for to honour, is nothing else but to testifie by our actions an opinion of so much or great power in any one ; and therefore the same act is exprest only in different words, *Feare God, honour the King : v. 17.* If they had been charged to honour God, feare the King, they had signified the same duty. And therefore it is said, *Servants, be subject to your masters with all feare, v. 18.* The worke, I say, is taken out of the peoples hands, and God himself perfects it. If it had staid there, if God had not pleased to adde to, and finish it, yet it had been most true, that no resistance were lawfull ; and evidently false, that he were *universis minor*, because he that hath supream, that is, all their power, is the representative all, he is legally the whole people. But the obligation of not resisting, is infinitely more weighty, if we consider him not only as representing the people, but as representing God himself. He hath given to him a power of a much higher nature, a part of his dominion over the life of man. The people could not agree together to dispence with Gods precept, *Thou shalt not kill*, nor distinguish shedding blood with the sword of vengeance from murder. It was not possible for any man to give away a greater right over his own life then hee had, *Nemo plus juris ad alium transferre potest, quam ipse habet* ; and he hath nothing to doe in the disposal of any others ; and therefore except killing a mans self be lawfull, the people cannot enable the Magistrate to take away their lives. Hence it followes, though that be lamentable Sophistry in many respects, *Quicquid efficit tale, est magis tale*, urged to maintain a clear contradiction, that Subjects are above him whom they have placed over them ; yet if it were sound reason, it were a very impertinent argument, because it proceeds upon a false supposal, that the people should *efficere saltem*. Because *per gladii*, (to bear the sword innocently, and

to cut off offenders without deserving greater punishment then they inflict by transgressing against Gods known will, *Vindicta mea, ego retribuam*, Vengeance is mine, I will repay saith the Lord,) must referre to God as the author. Magistrates are Θεῶν λειτουργοί, Gods Delegates, and not the peoples; Θεῶν δίδκονοι, ἑκδίκονοι εἰς ὀργάνω, Gods Ministers, his revengers, (or as it is better without a comma,) his revenging Ministers to execute wrath. It is very strange the people should be so much abused, as to be perswaded to take upon them Gods Prerogative, and to usurpe his language. *Psal. 82. 6. wee have said ye are Gods*; and to contradict Christ, who sayes to his unjust Judge, *Thou couldest have no power to take away my life, unless it were given thee from above*: but they state it otherwise, unless it were given thee from beneath, from us, and we were not so mad as to contract for our own ruine.

Most of their Writers in their printed Sermons and Pamphlets, declame against this tame behaviour, this obligation not to resist, as an absurd and senseless thing, and a condition repugnant to mans nature, and unworthy of reasonable creatures; but I must tell them, God was not of their opinion, who thought it fit to governe his own people in this way: who ever was not obedient to what the highest authority did determine, was to die, as appeares. *Deut. 17. 12, 13. The man that will doe presumptuously, and will not hearken to the Priest, (that standeth to minister there before the Lord thy God) or unto the Judge, even that man shall die, and thou shalt put away the evill from Israel.* God commands he should be made an example, that the people may not be tempted to Rebellion; for in the 13 verse it is said, *All the people shall heare and feare, and doe no more presumptuously.* It is worth our notice that here all the people are mentioned; if they had agreed together to resist not a pre-

*Gods own
people bound
not to resist
the supream
Magistrate;
therefore this
no absurd
constitution.*

tended, but a reall false sentence, this conspiracy could not turne their sedition into a just warre, it could not take off the guilt of disobedience, though the multitude of offenders might hinder the punishment; *Populi salus, suprema lex*, had been but a weak plea here.

This is urged only to prove thus much, that all their arguments (which have greatest influence upon the peoples affections) drawn from inconveniencies by reason of the faults of Governours (under which the *Jewish* Commonwealth frequently suffered, as appears by the Prophets reprehensions) may as justly bee made against the *Jewish* Government of which God himself was the author. And that he forbade resistance to supream authority is plain; moreover, the first of *Joshua*, v. 18. *whoever hee be that doth rebell against thy commandement, and will not hearken to thy words in all that thou commandest him, hee shall be put to death: onely be strong and of a good courage.* Hence the weakness of that Sophistry (which hath caused these sad distractions) is evident. For they perswade the people, it were madness to make such a contract which upon supposal of bad Governours would leave them without remedy, and therefore take it for certain truth they made their bargain wiser. Whereas there is no ground for imputation of folly, for following Gods own patterne; and yet if it were indiscretion, this doth not void the compact. They are bound to be honest, though they were not wile; to plead they were fooles, will not licence them to be knaves.

Lex Regni, as it is called, 1 *Sam.* 10. 25. the fundamentall Law of Government, (of which a Monarchy is but a *species*) or the right of Supream Authority is most excellently described by *Samuel*, in the first Book, eighth chap. 11, 12, 13, 14, 15, 16, 17. verses. *This shall be the right of the King that shall reign over you: He will take your sonnes and appoint them for himself, for his Characters*

rets, and to be his horse-men, and some shall run before his Charets. And he will appoint him Captains over thousands, and Captains over fifties, and will set them to ear his ground, and to reap his Harvest, and to make his instruments of war, and instruments of his Charets. And he will take your daughters to be confectionaries, and to be Cooks, and to be bakers. And he will take your fields, and your vineyards, and your olive-yards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his Officers and to his servants. And he will take your men servants, and your maid-servants, and your godliest young men, and your Asses, and put them to his work. He will take the tenth of your sheep, and ye shall be his servants. And ye shall cry out in that day because of your King which ye shall have chosen you, and the Lord will not hear you in that day. It is not lawfull for you to break that yoke which ye put upon your selves, neither shall your tears prevail with God to take it off your necks: notwithstanding such afflictions were fore-told, their resolution is, to have a King over them, that they also may be like all the Nations, and that their King may judge them; and go out before them, and fight their battails. *Sic incommodum*, we acknowledg these are grievous inconveniences, (*nam quid fere undaque placet*, it is the fate of all governments, because managed by men, who may prove vicious, to be unavoidably subject to great calamities) *verum illud comparavimus commodis*, we have weighed the advantages of being ruled by a King, and conceive the probable goods which are conveyed from Regall government, which are known by experience in other Nations, will over-balance these accidentall evils, however we are resolved to venture it.

A misunderstanding this part of Scripture hath opened a way to two dangerous extreams, which are both false, and have produced unhappy consequences. From *hoc erit jus regis*, some conclude his will is his law; and *quid*

quid libet, licet; but this is clearly convinced in the 17. of *Deuteronomy*, where the duty of their King is described from the sixteenth verse to the end of the chapter.

Others make it a bare prophesie of the tyrannical abuse of power by the King which they should choose, (if so, the people had small reason to shout for joy at his inauguration; and secondly, this was not fulfilled in *Saul*; for though he proved a Tyrant, yet not in all these particulars) and so they confound *jus* with *factum*. But it cannot be found in any Author that ever *jus* was taken in this sense. *Misshpat* will not bear this signification. When Theeves take away mens goods or their lives, it might as properly be said, *hoc est jus Latronum*, this is the right which robbers have.

The true
sence of *jus*
Regis in
Samuel.

To finde out the true meaning, we must know, that this law was not given as a rule for him to command, but for the people to obey by; it did not excuse him from sinning, but disabled them from punishing him for his offences: and therefore it is said, when the solemnity of his inauguration was ended, *Loquutus est Samuel ad populum legem regni*, he spake not to the King, but applyed himself to the people, and declared their duty. This was not what he ought to do, but what they ought to suffer, when a King swerved from that rule by which he was bound to govern. For his duty was well known, being laid down many ages before by *Moses*, and written in the book which *Moses* commanded the Levites to keep in the side of the Arke of the Covenant; that it might be there for a testimony against transgressors: *Deut. 31.36.* so that this bindes the people not to resist, though they are oppressed; wherefore the close of it is, since there is no help in man, they must onely cry unto the Lord: *1 Sam. 10. 18.* This signification is confirmed by the Civil Law, where we are informed, *jus prætor reddit, etiam cum iniquè discernit*; the meaning of it is explained, *relatione scilicet factâ non ad id quod ita prætor fecit,*

cui, sed ad illud quod prætorem facere convenit; L. ius plur. D. de iust. & iur. And in this sense, *summum ius* is sometimes *summa injuria*.

It were happy for all States, if the people were fully instructed in this text; and could distinguish *Potestatem imperii ab officio imperantis*, the right to govern, from government according to right. For the former is obligatory and stands in full force, though he be defective in the latter.

This middle way, *inter abruptam contumaciam, & deformæ obsequium*, neither guilty of stubborn disobedience, or servile compliance, is very safe and honest. For it acknowledges he that hath supream authority, is subject to some laws (for it was truly said by *Harmenopolus*, καὶ ὁ βασιλεὺς οἱ νόμοι κρατεῦν τῶν νόμων, and that of the Emperours is fit to be observed, *Digna vox est maiestate regnantis, legibus alligatum se princepem profiteri*. Adco de auctoritate juris nostra pendet auctoritas: & reverà majus imperio est, submittere legibus principatum, l. 4. c. de legibus.) But he is not subject to any Judge upon earth, because he hath no superiour. This the Grecians called ἐπιτέλλειν ἀνυπαδύτου ὄντα, a government not accomptable to men; and they opposed βασιλείαν such a Monarchy, ἀρχὴν ὑπαινοῦ, to such Rulers as were responsible: Ambrose expresses it by *non nullis ad penam vacari legibus, tunc imperii potestate*. The reason of these constitutions was grounded upon necessity, which forced them to place an impunity somewhere for avoiding confusion. For a circle in Government would be infinitely absurd, and of pernicious consequences, when rulers are placed over us, to challenge a right to rule those Rulers. The Poet very wisely was at a stand:

Quis enim custodiet ipsos
Custodes?

But these men run round till they are giddy, all the foundations of government being moved by them, and

A necessity
to grant im-
punity to
some in all
govern-
ments, to a-
void confu-
sion.

put

put out of course. Because they have not settled *ἡ ἀρχὴ τοῦ βασιλέως*, as *Galen* calls it, a supream power, to whose sentence the last resort must be, and whose determination *jus facit*, that is, though it should swerve from the rule of justice, yet it must have the effect of right; it is binding to all, they cannot call him to accompt for it, and make him responsible for the wrong. His authority is a guard to his person; and though he chance to do some things not innocently, (for he ought to be guided by the laws of honesty given to mankind, and to observe his oath and promises) yet he must do all safely, because he cannot be punished by any Nationall Law. This impunity makes all resistance which may any way indanger his person, unlawfull. *David* clearly determines the case. *Destroy him not*, saith he to *Abishai*, the reason of this *ne perdas* is now of full force, and tyes up the hands of inferiors in every State: *For who can stretch forth his hands against the Lords anointed, and be guiltlesse?* 1 Sam. 26. 9. The substance of this anointment, which makes their persons sacred, and not to be touched with violence, remaines even where the Ceremony is not practised. For it is nothing else but *jus regnandi*, the right of supremacy, a true title to reign over them; and therefore *Cyrus*, a Heathen King, is called Gods Anointed; *Esa.* 45. 1. though the materiall ceremony of pouring oyl upon him, was not in use amongst the *Persians*. It is a Metaphorical expression of supereminency, taken from that quality of oyle, which is, when it is mixed with other liquours, to be upmost.

The Fathers unanimous glosse (which certainly ought to bear greater sway in our actions, then the Authority of those men, not known to us, but as the causes of our misery) upon *David's* confession, *Against thee, thee only have I sinned*; *Psal.* 51. 4. pleads for this impunity. Notwithstanding he had abused *Uriah's* wife, and contrived the death of so gallant a man, who forgot what

was dearest to him next unto the Kings honour, and would not go in unto his wife, untill the Kings enemies were destroyed; yet he saith, in the height of his humiliation, he had sinned against God only, because there was no Tribunal amongst men to which he was responsible. Our Common Law seems to expresse it self in the same sense, *le Roy ne fait tort*, the King can do no wrong; Though we may suffer undeservedly, yet no sense of injuries received can dispence with the obligation of not righting our selves by force.

I have done with my proofs out of the Old Testament, and I desire my Readers to weigh how much is concluded, least they should think the Application hollow, because all Kings have not the same rights which belonged to the Kings of *Israel*.

First therefore it hath been shewed, to restrain this liberty of resistance, is a wise Government, because of Gods own institution; and so that temptation which hath strong influence upon many, ought to cease; that it is folly to contract to be obedient in such a way as may leave them without remedy for great grievances.

How much is concluded out of the old Testament to the present case.

And secondly, It is evidenced that the same power which the Judges before, and the Kings of *Israel* after had, is in every State somewhere, that *ius consistens in impunitate delictorum*, a right of not being accountable for their actions, which secures the person or persons in whom *suprema dominatio* is, and secures them (as strongly as Laws can do) from all violence, is either in one man (so always in a Monarchy) or in a certain body, whose power though abused, must give Law (in order to nonresistance) to all inferiours.

There is a possibility of suffering very great inconveniences, without any lawfull means of redresse: It is an unhappy condition we shall live in, if he or they should be Tyrants and take delight in our oppression. But we cannot help it, God out of his dominion might thus

thus dispose of our fortunes and lives, and he declares his pleasure so to do, and therefore we must choose the least evill, which is, not to resist, and by endeavouring to save our goods or bodies, to lose our souls. Certainly if we were as truly religious as we would be thought to be, we have not any cause to be troubled, though these things should happen to us. If our patience in submission to his precept be chargeable, we make God our debtor; all the taxes and tributes are put upon his account and he will return them in as plentiful measure, as if we had spent so much charitably, (and we cannot lay out our estate better.) The Magistrate is Gods receiver, as well as the poor. He commands part of our revenues in him, in those he seems to intreat; that is, to pay debts; this comes nigher to a courtesy, and therefore we might better excuse our uncharitableness, then our resistance. But what if their cruelty extends to the farthest, and endeavour to take away our lives wrongfully?

These are justly deare to men; and much is done to draw out a few yeares, (notwithstanding our comforts are interwoven with sorrowes, our feares oftentimes above our hopes, most of our dayes are cloudy, and over-cast with melancholies, and the discontents arising from our wants (which are as vast and unbounded as our desires to have) are much greater then the narrow pleasures of enjoyment, which is confined to a few things, the stroaking of fortune being not so delightfull, as her blowes are grievous:) but what value ought we then to set upon eternall life? how highly ought we to prize those everlasting joyes, which still quicken, and still satisfie the appetite, and what should we not suffer, rather then forfeit these? This is the present case; He that by resisting saves his life, (a doubtful good, and of no long continuance) loses that happy being, which God hath promised to such as submit to his commands; and he that loses his

his life is a great gainer, he falls a Martyr of justice, and shall be raised a Saint into glory.

The same obedience which God required of the *The same* Jewes under the Law to be shewn to their Judges and *duty of Non-* Kings, and as high a degree of patience Christ injoynes *resistance* his followers under the Gospel, towards the highest *injoyed by* powers. And there is great reason we should performe *Christ in the* this duty more cheerfully, because our Saviour hath *Gospel.*

commended persecution to all those who will live godly, and that both by precept and example. His method was, *facere & docere, he began to doe and teach*; and it is not much different in the end, *docere & pati*; to *teach patience*, and confirme his doctrine by his suffering: we must take out the same lesson, for the promise is conditional, *εἰς τὴν συνουσίαν αὐτοῦ, if we suffer with him, then (and not else) shall we also reigne with him, Rom: 8. 17.* Rebellion in Christians is a most prodigious thing, we having plain and peremptory commands for obedience, and a certain and ample requital for all the charges of our honesty. That Heroicall speech of Socrates, *ἐμὴ ἀποκτείναντες δύναται, ἀδελφοί δ' ὄχι, It is on their power to kill me, it is not in their power to hurt me*, carries in it the flame of true Religion; the Apostle expresses it higher, *for us to die is gaine, Phil. 1. 21.*

The Jewes wanted not some colours of reason to *The Jewes* justify their impatience in this case; for it was a strong *more excu-* temptation not to be willing to be cut off, when their *sable in case* blessings were temporal, the chiefe of them being *of rebellion.* length of dayes, and upon which all the rest depended, and must necessarily end with their lives. And yet they submitted to those Lawes, which entrusted their fortunes and being in the hands of the supream Magistrate. *Jos. 1. 18.* This power in succeeding times was often abused to their destruction, and they gave themselves up to the slaughter, upon hopes not grounded in any set promise, but only in the free goodness of God,

Christians
have not any
colour for it.

God, whom they thought to be a better master then to let any man be the worse for doing him service.

But a Christian cannot have any shadow of scruple. St. Peter failing in this duty, by resisting the Magistrate; in defence of his innocent Master, hath taken speciall care not to be imitated, and therefore informes us largely with the full extent of Christian patience. I will first lay down the grounds for which our Saviour reprehended him, and I desire they may be seriously pondered by such as are more inexcusably faultie, and then I shall take his precepts into consideration. Much may be alledged in Peters justification, and yet all will not excuse him. *Put up thy sword againe into his place,* sayes Christ; if he do not, he threatens the punishment of murder to him, *all they that take the sword, shall perish by the sword.* Math. 26. 52. It concerns them sadly to apply, who pretend resistance, but are really invaders, and therefore cannot make so faire a plea. First, it was a sodaine and unexpected assault; no means of escape did appeare. Secondly, their violence armed with Swords and with Staves 'as against a thiefe did evidently aime at the life of his Master; and he might not without reason suspect his own in danger. Thirdly, he kept the lawes of that which is called *in culpa tutela*, innocent defence; he did it in the instant, not after deliberation, when he might have thought of other wayes of safety, and he had no advantage of Weapon, and he did not kill outright, but only wounded a servant. Notwithstanding all this, he is rebuked by Christ, who makes satisfaction for his offence by a miracle. And the sense of this correction made so deep an impression; that he after warned others of their duty, when they suffer in the like persecution. *Let none of you suffer as a murderer; &c. yet if any man suffer as a Christian; let him not be ashamed; but let him glorifie God on this behalf. For the time is come, that judgement must begin at the house of God.* Wherefore

wherefore let them that suffer according to the will of God, commit the keeping of their souls to him in well doing, as unto a faithful creator, 1 Pe. 4. Though this might serve turn, yet he speaks more home in another place, Submit yourselves to every Ordinance of man for the Lords sake, whether it be to the King as suprem, or unto Governours as unto them that are sent by him for the punishment of evill doers, and for the praise of them that do well. For so is the will of God, that with well doing, you may put to silence the ignorance of foolish men. As free, and not using your liberty for a cloak of maliciousness, but as the servants of God, &c. Fear God, honour the King. Servants be ye subject to your Masters with all fear, not only to the good and gentle, but also to the froward. For this is thank-worthy, if a man for conscience towards God, endure grief, suffering wrongfully. For even hereto were you called: Because Christ also suffered for us, leaving us an example, that ye should follow his steps who did not sine, neither was guile found in his mouth, 1 Pet. 2.

The case of resistance is here inforced as highly as favourable circumstances can raise it, and when the most plausible limitations are put in, yet it is concluded unlawful; we must submit as Christ did, though we should be as innocent as he was, and though *vires non deessent*; we were sure to make good our opposition; for he could have summoned an Army of Angels in his defence: we are bound to submit not only to Justice, but to injuries also, and to be obedient as to good and gentle masters, so likewise to the froward, to bad as well as good Kings, their failing of their duty not licencing us not to perform ours, nor dispensing with our Loyalty. This is evident, because the reasons annexed equally inforce this duty in Subjects as in Servants. Though liberty be our birth-right, yet it must not be made the cloak of sin; it takes not off those bonds with which God hath tyed up our hands from fighting against the supream power. No lifting up private swords against the sword

The case of
resistance in-
forced with
greatest ad-
vantages,
yet condem-
ned.

of Justice, ours against Gods Weapon, *Deus resistet*, we shall have an ill match of it.

It is well worth our observation, that though the Apostles main work was heaven, yet they are very solicitous to settle our quiet upon earth, by enforcing obedience unto government. Saint *Paul* delivers the mind of God most fully, most plainly. He could not have expressed the duty of Subjects more punctually if he had lived in these last and worst times, wherein his Doctrine seems a kind of tame folly; as once much Learning, now much Religion hath made him mad. Our Saviours prophecy is fullfilled of faith failing amongst men; they think it unreasonable to be bound to submit to certain present evils, out of hopes of future good, and to be abused by bad Magistrates, upon expectation to be righted hereafter; and charity waxeth cold; it must no longer be ranked amongst Christian duties to prefer publick good to private interest, the peace of the Church, & tranquillity of the State to our own profit or safety. No, *we must stand fast in the liberty, wherewith Christ hath made us free*. We are not so indiscreet to submit to any trial by Law, because we may meet with corrupt Judges; *patrocinium peccati, multitudo peccantium*, our number ought to make us safer then innocence can them; it is madnesse to be hanged, when we are more then those that should hang us; we may call our selves the Common-wealth (for this is somewhere, and the lesser part hath lesse reason to challenge it to themselves) and then *Populi salus, Suprema lex*, what ever conduces to our safety, becomes Law to the Kingdom. If any Malignant and ill affected persons object the breach of known Laws by us, we must tell them they are abrogated by equity, because if they should stand in force, they would destroy us. The truth is, these men antedate that prophecy of Christ (as they have done many besides) *He shall put down all Rule, and all Authority, and Power*, 1 Cor. 15. 24.

This is clearly done by their Practise, Kings are dishonoured

honoured in the fear of God, and I need not say *quid verba audio, cum facta videam* for their profest principles maintain it. If they are not of the true Religion, that is, make not the peoples opinion their Creed, or if they do not govern to the advantage of the Saints, that is, joyn not with them in those designs which they christen *Gods Glory*, and the great work, the pious Reformation, then because they are no longer *Dei ministri in bonum*, Gods Ministers for their good, they are *ipso facto* discharged of their Magistracy, not Gods holy ones, but their own vices have deposed them and *Evētia* their lawfull authority is not opposed by them, but their person only; they fight against the man, and not the Magistrate. This is the doctrine which hath produced such miserable things in the Christian world, to the ruine of many States, & which is more lamentable, the destruction of millions of souls. For upon these grounds many have been induc'd to fight against God & perished in their sin, and too many are so farr scandalized at it, that they suspect the truth of Christianity, concluding within themselves, that if we did really believe that Gospel which we outwardly professe, and if we were perswaded those precepts laid down by the Doctor of the Gentiles ought to be the measure of our practice (for he injoyns subjection though to Tyrants, for such were the Roman Emperours then, and the Kings in those times, *Reges gentium dominantur earum*) the most wicked

Paraphrase
upon part of
the 13. to the
Rom.

Magistrates, and those that took greatest delight in cruelty and oppression, will sooner be weary in doing injuries, then we could be in suffering.
Let every soule be subject unto the higher powers] *πᾶσα ψυχή*, all are included, not any one can plead exemption; we may say with the Apostle, onely he is excepted to whom every soule is subject. If every member should be commanded to be obedient to the head, they could not lawfully oppose upon joyn consent, and ground their excuse upon a Metaphysical abstraction of

the body, from those of whom it is compounded. The reason is, because the action of the body is constituted of the particular acts of each member; the joyning of so many personall acts makes up the act of the civil body, and if it be a fault in any one, it doth not take off the guilt, that he sins in consort and offends with company. This notion of universall speculatively distinguished from singulars, is so far from changing the moral nature of actions, that the act of the body (which is created by law, and civilly compleated by the consent of a major part) may be sin, and yet many members as the lesser part who do not contribute their votes, shall be innocent, because men are accomptable onely for their personal deeds.

Ἡμετέριον] Let every one be subject, keep under, in due rank and order. Now seeing that in all order there must be some first, all others must submit to this; and this *non potest in ordinem cogi, ab aliquo*, cannot be legally ordered by any, because there is not any upon earth, *prior primo*, before the first, and higher then the supream. If he break his order, he is responsible to him one'y that is above him, who is God.

*Regnum timendorum in proprios greges,
Reges in ipsos imperium est Jovis.*

These higher powers ὁ θεὸς οἱ τῆς βασιλείας. God is *super deos*, and orders them as he pleases. So that the wronged people must onely cry unto the Lord, as the Jews were directed in their hard condition: And Saint Ambrose is sensible of this obligation, *repugnare non novi; dolere potero, potero flere, potero gemere, &c. aliter nec debco nec possum resistere*. Least Christians should be more stiff-necked then the Jews, who bore this heavy yoke, Saint Peter prescribes their behaviour, and tells them it is a part of their calling (and unlesse they perform their vocation, they cannot make their Election sure) to imitate Christ thus far, *who when he was reviled, reviled not again*; no dishonourable speeches, no reproach

reproachfull language from him, which yet falls short of the meditated malice of the pen; when he suffered, he threatened not, no killing and slaying so much as in words; and no people can have greater innocence, and no Governour greater faults, but he committed himself to him that judgeth righteously, 1 Pet. 2.

Εξουσιαι ὑπερσπουδαι [unto the higher powers.] Hereout they endeavour to pick out some advantage; for, say they, by the same Logick, as we conclude impunity due to Kings, and so all resistance unlawfull; we must be forced to enlarge this priviledge, and communicate it to all Magistrates whatsoever, because they are higher powers also. But this immunity is over large by our own confession, as repugnant to all States, and therefore seeing we cannot justify the inference in its full latitude, we cannot reasonably collect any thing. These men strangely mistake the grounds of our deduction, their strong fancy against it, not permitting them to take the reason of it into due consideration, we confesse thus much is concluded for all Magistrates (such are they to whom the King delegates his authority) that it is not lawfull for any that are under them to make resistance; as a private man may not oppose a Constable; nor a Constable a Justice of Peace, nor he a Judge; So common Souldiers cannot punish a Lieutenant (except by vertue of a Commission from the General, and then they are above him, as being made Magistrates to execute Martial Law upon him) nor he a Colonell, nor a Colonell the General, they being but private men in reference to one above them; & so Kings in Monarchies (proportionably in Aristocracies those persons, in whom the supream power is placed, which are the major part consenting) are not judicially accountable to any, because they are the highest. Thus much Scripture evinces, the civill law confirms, reason suggests, and the practise of all States hath embraced it.

Lawfull to resist inferiour Magistrates if they oppose the supream.

For there is no power but of God] Here is the cause of obedience rendered; this right to govern, is not onely by his bare permission; so theft and murder are; but it is his constitution, and by vertue of this, the Apostle collects that honour is due to their persons. I have proved formerly that such power could not be, *ἐκ τοῦ Θεοῦ*, unlesse it were of God; the people could not dispense with divine precept, *non occides*; thou shalt not kill.

The powers that be, are *τεταγμένοι*, ordained or ordered of God. This is his ordinary providence, by which he hath thought fit to govern the world, and we must submit to it, till he declare his will to the contrary; nothing can take off this obligation but expresse revelation. And we have some new Enthusiasts, who are going on to this height of fury: Me thinks it should startle all good men, to see some interpretations of obscure prophecies out of Daniel and the Apocalypse cast out to justify the breach of plain duties.

Whosoever therefore resisteth the power, resisteth the ordinance of God; Here is faire warning; take heed what ye do, you have a terrible enemy to encounter with, it is *Θεομαχία*, a fight against God: You cannot flatter your selves with a prosperous issue; for those which resist shall receive to themselves damnation.

Against that lesse distinction (as it is misapplied by them) of the distinction of the authority from the person, as to incur the danger of this fearfull commination, he joyns them together and uses them promiscuously; and in the prosecution inforces that, by mentioning the persons, which before he had attributed to the powers. Whosoever resisteth the power, resisteth the ordinance of God, & they that resist shall receive to themselves damnation; it immediately follows; For rulers *ἀγχοίτες* not *ἀρχαί*, are not a terror to good works, but to the evil. Then he comes to the authority again; wilt thou not be afraid of the power? doe that

that which is good, and thou shalt have praise of the same; *For he is the Minister of God to thee for good*, there he concludes with the person.

Observe with what vehemence he repeats this duty, though fully delivered before, as if his mind misgave him concerning these rebellious times. *wherefore you must needs be subject*. A necessity is laid upon us, and woe unto us, if we be not subject: we have two powerful motives, *not one ly for wrath, but also for conscience sake*. As for fear what the Prince may (for rebellion seldome prospers; Traitors are unfortunate gamesters, though they win at first, they are most commonly terrible losers in the close) so what God will inflict. You have his word for it, you are *damm'd* if you resist.

Though Rebels should get the start by seizing his ammunition, Forts and Ships, and you have cause to think your loyalty will disadvantage you, when a King is in fight too weak; be wary what you doe; God oft-times raises up strength to him, beyond mans expectation and the event shews, those which continue honest *God is to be* are most truly wise. The heads of the rebellion shall be *reckoned of* brought to condigne punishment, and their memory *the Kings* be odious amongst all good men. Tis true, to be sub- *side, who* ject to present plunder is a strong temptation against *will over-* duty (yet upon a general survey ye shall finde they *ballanceth* take not much more from their enemies, then they *greatest* force their freinds to give; they have no great reason *ces* to brag of being saviors, it hath cost them very round summs to lose their souls.) But ye see how much the King indulges to this feare (I know not whether God will pardon so easily, for if feare of losing by being honest be a good excuse for neglect of duty; horses of gaining by playing the knaves may as reasonably be pleaded) so unwillingly is he any should suffer for his sake. How often hath he been pleased graciously to forgive, upon that easie excuse, they did not dare to be his friends; that is, they were his enemies, not out

of spite and malice, but onely for their own advantage; and he is content, not any should loose for him. O let not his goodnes move you to have a hand or purse in the evils which are brought upon him, and the whole land. Betray not your bad tempers so farr, that it should appear you will do more for fear then love, lest your base natures may induce hereafter a stricter Government, when experience doth demonstrate the worst masters have the best servants. Let not his lenity, which doth deserve to finde friends, be the only cause he hath so many enemies. If I must direct my speech as unto cowards (for you have no excuse for disloyalty, but your feares) consider with your selves, how God hath blessed his servant with three potent and succesfull Armies (all of them raised with such disadvantages, as they clearly speak an immediate providence giving testimony to the sincerity of his many sacred protestations) beside many hopefull Seminaries in divers Countries, and thousands of gallant Gentlemen, and brave spirits in other Shires, now unfortunately situated (*O tristis damnata loco*) who wait for an opportunity to revenge their tame suffering hitherto, and the unworthy usage from fellow-Subjects. If notwithstanding all this you could unreasonably flatter your selves with being the stronger side, yet you have juster and greater fears elsewhere, which ought to give Law to your cowardise, which hath betrayed your Allegiance. For what would it profit you, if you should save your houses from being plunder'd (though this is the most probable way to hazard your estates, which are forfeited to the King, cannot be escheated to them) and lose your soules, for which the whole world is but a base price? There is evident danger in fighting against the King, but the Apostle threatens certain destruction, because you fight against your own consciences.

Their severall exceptions and corrupt glosses by which they endeavour to avoid this plain obligation of *non resistance*, I shall meet with, in the fourth section.

The duty not
to resist, pro-
ved further
by the pra-
ctise of the
more inno-
cent ages of
the Church.

The practise of primitive Christians, is a faithfull commentary upon these texts. And certainly their authority, (who witness to their own disadvantage, teaching submission though to tyrants; under which they cheerfully suffered according to Christs example) ought to prevaile with us above any modern Writers, who have broached a doctrine (very reasonable for some places and occasions, but unknown to these innocent times, when Christianity thrived upon suffering, and gained as much by patience, as it is likely to lose by stubbornness) that it is lawfull for inferiour Magistrates, say some, (and this from the fundamentalls of government;) for the people, others tells us, (and this from the law of nature) to right themselves by force, if the supreme Magistrate deny to do it, and so faile of that trust, which was committed to him, for the good of others. These principles lately taken up, open a faire way for advancement of private ends, by disturbance of publique peace, either upon reall (which oft-times are) or at least pretended faults in governours, which shall never be wanting; whilst there are ambitious men who want preferment, and desire to have what others are possesse of, and make it a reasonable cause, to endeavour innovation, because they may be bettered by the change. In what an unhappy State do we live, if such a number (upon pretence we are not so well governed as we might be; that is, they have not so great a share in government, as they could wish for, and since the greater part can never be satisfied, we cannot hope for peace and quiet) shall be enabled to force the King to recede from laws, and in the room of those known and standing rules, to give us uncertain temporary ordinances.

The Emperours were (for the most part) very bad, but especially to the Christians they were hard Masters, Though the Romans counted it the highest gallantry, to shake off the Yoke when it galled them, and did oft
Rebell

Rebell in the cause of liberty; (and it is a sad thing that this Pagan bravery should be preferred to the tameness which Christ enjoined to his followers; *of all good actions the murder of Tyrant is most commendable*, sayes one, Euseb. Philad. dial. 2. And Buchanan thinks it a defect in policy, that rewards are not allotted for such meritorious deeds) yet the Christians could never be tempted by their greatest sufferings to joyn in any conspiracy. Tertullian professes their innocency, and he is to be looked upon in this case, not as a single witness, but as one that wrote in the name of all; his Apologetique is the sense of the whole Church. We may be confident of the truth; because it was a matter of fact, and we have no reason to suspect he could be so vainly imprudent as to present that in their justification, which must be evidently convinced of falsehood. He makes a bold challenge, and desires them to produce if they can one example of any Christian taking part with rebels; Such as Cassius, Niger, Albinus, Cleander, Alius Letus, the Pretorian souldiers (who murdered Pertinax) Stephanus and Parthenius were. It is manifest these were not traitours out of wantonness; there were just grounds for heavy complaints under Domitian, Commodus and Septimius Severus, all bloody Tyrants. Yet the Christians were better catechised, then to think resistance lawfull, when they were oppressed by those whose duty it was to have protected them. Their unanimous confession is, *nos iudicium Dei suspicimus in imperatoribus, qui gentibus illos profecit*. I shall give you the sense of it at large. We kisse the hands, which wound us; though they have not any cause to do such things, yet there is too much cause why we should suffer them; we must acknowledge our sins towards God, and he may punish them in what way he thinks fit. We cannot deny but we have deserved as great afflictions, and shall we who are guilty be stubborn, when patience is required, though we were most innocent? The example of Christ

is made our law, and in him no sin was found. We cannot suffer more, nor boast lesse demerit. If we did seriously consider it, we could not hate the worst governours; for we have no reason to be angry, because they do things to our advantage; and certain it is, if we submit with patience, their sins further our salvation, their faults encrease our glory. What pitty is it, they should go to Hell, for that which procures us a higher place in heaven? Nay, what uncharitableness is it in us, to cut them off in their sin, and so send them thither? And it is a sad meditation, to think that we shall follow; because we could not indure their company here, we take a course to live together eternally miserable.

Cyprian enforces this meekness with excellent reason. God (saith he to Demetrian-) is the revenger of his injur'd servants: in which this argument is implied, Vengeance belongs unto the Lord; and except we can produce his Commission, our private justice will damne us; *animam in vulnere*, in our enemies wounds our souls will bleed to death: 'tis madness to strike, when we are certain the blow will recoyle to our eternal destruction. Therefore the Apostle commands, as we wish well to our selves, to *recompence no man evil for evil*. Rom. 12. 17. Self-love is the motive why we should not hurt others. He exhorts by the natural affection which is due to our selves, not to *avenge our selves*, *μη αυτους ενδικνυσαι*, but rather *give place unto wrath*: vers. 19. The wisdom of God hath introduced an excellent temper in Government, and such as the sence of great evils prevailed with men to esteem very good, Private re- and confirm it by their laws. Honorius and Theodosius venge no- tell us, *judiciorum vigor, jurisque publici tutela videtur in lawfull. medio constituta, ne quisquam sibi ipsi permittere valeat ultionem*. That of Claudian is true in this sense also:

Qui fruitur poenâ, scynus est.

Injur'd

Injur'd men are over passionate, and easily tempted to cruelty.

*Amplius ex ira; quod enim se quisque volebat
ulcisci, quam nunc permittitur legibus equi;
Idcirco est homines perasum vi colere aequum.*

Upon these considerations God hath made revenge unlawfull, and beside this obligation of divine precept, our hands are tyed up as strongly as faith or promise can do it. This Covenant knits society, and cements the civill body. Though we do not only fancy grievances (as the world is full of such mistakes) though we are really injured, yet it becomes injustice to right our selves. All the account we can give at Gods Tribunal, is only this, we did not sin first. And this plea will afford miserable comfort to be damn'd after another. That none might be tempted to strike, because others hands are bound up from returning the blow, God hath appointed a middle-way to deterre men from doing evil for fear of suffering it in as high a degree. For *Tertulian* sayes true, *disciplina interest, injuriam vindicari. Metu enim ultionis omnis iniquitas refranatur.* The Foundation of our actions is the opinion we have of the good or bad, we shall receive by them; if they appear certainly hurtfull, and that we shall suffer by so doing, we most commonly forbear: I do not say alwayes, because the will may thwart the understanding; else it were not free; and experience sheweth, that sometimes a lesse good present, doth over-weigh a future, though certain greater evill. God will judg our causes; and revenge us upon wrong doers; but he performs this not immediately but by his Magistrates. He delegates his authority to them, and *Saint Paul* proclames their Commission in these words, *There is no power but of God. Quicquid per officarios facis, per se facere videtur*, what they do are legally his acts; we have not right to reverse them

them by a strong hand. If an inferiour Magistrate gives false judgment, God grants a liberty of appeale to him in a higher Magistrate; if he confirme the former unjust sentence, it is lawfull to proceed by way of appeal, till we come to the highest; but then because God hath appointed a peaceable end of controversies, we must sit down with the present losse, being fully assured God will judg this judg; we shall have another day of hearing in Heaven, and all damages shall be amply repaid. If we did believe this, our unnaturall divisions would cease; that is, if we were truly Christians, we would not do as we have done, we could not resist the highest power. I have warrant to say it, *Here is the patience and faith of the Saint*; Revel. 13. 10. they believed, therefore they suffered.

Upon such considerations *Cyprian* grounds the duty, and shews the practise of the Primitive Christians was very consonant. *Inde est quod nemo nostrum, quando apprehenditur, reluctatur: nec se adversus injustam violentiam vestram, quamvis nimis et copiosus noster sit populus, ulciscitur.* For this cause not any one of us doth make resistance when you apprehend him, nor revenge your unjust violence: *Patientes facit de securitâ ulsione securitas.* God is able to reward our patience, and to requite all our sufferings. If we took delight in the misery of our persecutors, we might be abundantly comforted. But alas, we pity them, and grieve more for their deplorable condition, then our own torments. God will avenge our innocent blood more severely then any good man can wish for. *Tertullian* expresses the same in his eloquent manner, *Satis idoneus patienti sequester Deus est.* Our goods are not taken away, they are sequestred for our benefit, and intrusted in safe hands: God keeps them for our use, and will return them with ample increase. *Si injuriam deposueris penes eum, ultor est;* if you will not fight, he will undertake your quarrell; and

and you need not doubt but your enemies will be soundly worsted; *Si dolorem; medicus est*, your wounds shall save you; *Si mortem, resuscitator est*, if you fall a Martyr, you shall rise a Saint. *Quantum patientia licet, ut Deum habeat debitorem?* What cannot our sufferings do? they make even God our debtor; he owes us Heaven for our selves, and he owns us Hell for our enemies, but we breathe out our souls in prayer; that he may be intreated not to pay this.

The example of the *Theban* Legion commands our imitation in the like cause. It is one of the noblest passages in all the Ecclesiasticall story; wherein Christianity did shine forth in it's full lustre, and it affords plentiful light for our direction. This band consisted of almost 7000 men, all Christians. When the Emperour *Maximian* commands the whole Army to offer sacrifice to false Gods, they remove their quarters that they might avoid (if it were possible) this occasion of discontenting the Emperour. He summons them to perform their parts in this devilish worship. They are forced to return an humble denial, and their resolution not to disobey God, for whose sake they had ever bin and would continue faithful servants to him. The Emperour unsatisfied with this answer, puts them to a decimation; They submit with much cheerfulnesse, and dye praying for their murderer. After this sad spectacle his commands are renewed; but prevail nothing upon the remainder. Wherefore they are also butchered without the least resistance; There was no delay in their death; except from the wearinesse of the executioners. This was truly to confesse him, who was led as a sheep to the slaughter, and like a lamb opened not His mouth, and they a flock of His fold, were quietly devoted by ravening wolves. The Commander of this Regiment, *Maurice* could not contain his joy, when he had seen the first decimation gallantly suffered. How fearfull was I, sayes he to his surviving souldiers, (for armed

men may be tempted to defend themselves) least any of them upon colour of just resistance for self preservation in an innocent cause, should have struggled against this blessed slaughter! I was watchfull, and had Christs example in readines, who commanded his disciple to put his sword into his scabbard. *Salus vestra non periclitabitur, nisi vestris armis*; if you use not your weapons, I have Gods own warrant for your safety.

Despaire it self could not conquer one single patience, which yet creates valour in cowards, and makes them more courageous in such extremities, because they are fearfull; Since they are likely to endeavour most to preserve life, who are most terrified with death.

It would be more wearisome to me, then delightfull, or profitable to the Reader, to enlarge my proofs by that plenty of authorities, which offer themselves in the ancient Fathers and many Councils. The truth is, the labour is needlesse, their practice is so evident, that the greatest friends to Rebellion, will not betray so much ignorance as to deny it. They are forced to grant that they do such things, as those great lights of the Church, those holy men, though infinitely more oppressed then they can pretend to, durst not venture on. Thus far we both agree. But why durst they not? Here they shew themselves; not because to resist Tyrants would have been a wicked, but a vain attempt; *vires decrant*, they were not able to go through with a Rebellion; what the Heathens admired as extraordinary goodness; (many of them being converted by this religious confidence, reasonably concluding, men that approved themselves very prudent in all other matters, could not be guilty of such madness as to die thus, unless they had good hopes to be recompenced in another life) these somentors of strife call *weaknesse*, to the unspeakable scandall of such as have a true sense of godlinesse. It is an insufferable blemish to their innocence, and stains the pretious memory of those blessed Martyrs. If this

Not want of
strength the
cause of their
patience.

this were indeed true, that they wanted not *will* but *power* to destroy, we can hardly blame their persecutors who thought it wisdom to prevent the blow by striking first: it seemed but killing the Cockatrice in the Egg; they had small encouragement to cherish frozen Serpents in their bosome, who when they had recovered warmth and strength, would dart their poysonous sting at their preservers. Certainly they had an extraordinary confidence they should prevaile, els they would never so openly have discovered such principals, and instructed States to provide better for their security hereafter, by utter disabling them to do any hurt. These men cry out against Popery, and yet profess what all good Protestant esteem the most malignant part of Jesuitisme. If this evasion will not hold, they know not what to say for themselves, and it may clearly be convinced of falsehood. For this very objection is made by the Ancients, and answered to our hands by themselves. So careful were they that posterity might not mistake their goodness, and think it nothing els but an impotency to do evil. The Fathers speeches, which witness sufficient strength, if Religion had not tyed their hands, cannot be imputed to any overreaching, or lying to gain reputation to their sufferings (as Mr. Goodwin insinuates in his Anticaval; and we shall anon take notice of it) our enemies would be extreamly glad to see their own art thus credited. But we have no reason to conceive them so impudent, and we may be certain, they were not so mad, as to face down the Emperour, and their other potent adversaries (who would make great advantage of their so manifest untruths) by affirming what they must evidently discern false, and could not choose but see the contrary.

Cyprian saith expressly, *Quantus nimis & copiosus noster sit populus*, though we have competent forces more then enough to do the business, yet we wrestle not with our oppressors, &c. The Theban Legion was in a posture

posture of resistance, but they durst not lift up those hands into which the Emperour had put weapons, against his personal commands, though most unjust, most bloody; six thousand, six hundred and sixty six men of such extraordinary valour, as did not entertain the least fear of death, might probably have conquered (and this cruelty might have increased their party by the defection of male-contentes) but they must certainly have made some sport for their lives, they could not have wanted that comfort, which to some taste is beyond the pleasure of life, to die revenged. Besides, had not the Emperour and his under Princes known them true Christians, and been acquainted with the tameness of that profession, towards the highest power, he would never have hazarded a rebellion by making so considerable an Army desperate.

I will conclude this with *Tertullian*, who argues very handsomely, after he had spoken to this sense; we are so numerous you can hardly see one another for Christians, *cui, inquit, bello non idonei, non prompti fuissetis; etiam impares copis, qui tam libenter trucidamur?* Though we had not the advantage of number, which yet you perceive we have, *numeri damnum virtus pensaret*, courage would supply this defect, and though fewer, since we condemn our own lives, we might be masters of yours. We could undo you, not if we should rebell, but if we would be idle; we do not fright you so much, as to desire you, to fancy us fighting against you; you were lost if we did not fight for you. What would become of you, if we should turn *Separatists*? *Si tanta vis hominum*, if such multitudes as we are should break out from amongst you, into any corner of the world, your Empire would sink for want of strength to support it. Your Cities would seem deserts without us, &c. In that thin remainder you would have many enemies, though but few men. Even now they would rebell, if they were not awed *multitudine Christianorum, & omniū civium*,
E
By

by those multitudes of us, who are of some rank, almost all of us Citizens, and almost all the citizens are of us. Our example invites some to obedience, others fear our readinesse to be commanded to reduce them to due subjection; In *Apologetico*. I may adde his other speech in the same place, *Vestra omnia implevimus*, we have filled your Cities, nay *castra ipsa*, your very camps would be empty without us Christians. It is not possible to bring in more expresse, more clear testimonies in any matter; it is too probable; such as have made a search, are blinded with interest, and shut their eyes that they may not see this truth. I know not how to excuse *Bel-larmine*, *Alane*, *Ficlerus*, *Simancha*, *Buchanan*, *Hottoman*, *Knox*, *Brutus*; For these were schollers; and therefore not so likely to be deceived themselves in such an easie truth, as upon designe to deceive others. But I have a more charitable opinion of most of those men, with whom we have to deale, though some have discovered plenty of malice, yet they are very few, of whom we can say, *ad evertendum rempubl. solviti discesserunt*. Some are *Enthusiasts*, and mistake their own fancy for the Spirit, and the greater part do this mischief out of ignorance, drawing out of broken cisterns, the seditious writings of the *Roman* and the *Reformed Jesuites*, and transcribing one another, and so are taught and teach to despise dominion, and speak evill of those things which they know not.

Señ.

er.
Law
lawy

SECT. III.

I Make no question the proposition is now evident, that the supream power in any State (let it be where it will, somewhere it must be, for else it were an Anarchy, and no Government) ought not to be resisted. This makes rebellion sin, as transgressing divine and humain Laws. In the next place, for the perfect direction of conscience, we must examine, in whom the supream power is placed; a mistake in this is as dangerous, as an error in the former. For as zeal, which is not according to knowledge, is impiety; for though it have the heat, it hath not the light, which is required to true devotion; so the most scrupulous obedience is but humble Rebellion, if it be misplaced, and yielded to fellow Subjects against him who hath *jus regnandi*, the right to command them. Thus in an Aristocracy to aid one man against the Senate, is Treason against the State, and in a Monarchy (because the constitution is different, and places the supream power in one) to aid the Senate (of which, that one is the head, and opposed to him, they are but like a livelesse trunk in order to those things to which his influence is necessary; *Fortescue* warrants the expression, *sine capite communitas non corporatur*) against the Monarch and supream Ruler, is Rebellion, and treason against the State. The Assumption therefore shall be:

Most necessary to know the subject of Supremacy.

The King of ENGLAND hath this supream power.] When this is proved, the conscience must take Law from this necessary Inference, therefore it is unlawfull for Subjects to hold up Armes against the King.

of England: Because as it is an absurdity in speculation, so it is sin in practice to deny the conclusion; there they offend against Logique, here against Religion also. For whatsoever is not of faith, that is, not of judgment; whatsoever we do against our own reason, and the light of conscience, is transgression.

The matter of this Discourse is of high concernment. For as things now stand, on it hang Heaven or Hell, our salvation or eternall damnation. If the King be the highest power, you are bound to submit to him; but if you have new Sovereigns, if your fellow Subjects are become the Lords Anointed, there may be some colour of justification. Except this be proved, you are altogether inexcusable; as appears in the last Section, and therefore it will behoove you to hearken to *Solomons* advice: *My son, fear thou the Lord and the King and meddle not with them that are given to change. For their calamity shall rise suddenly;* Prov. 14. 21. 22.

*The Kings
Supremacy
witnessed by
our Oath.*

Certainly, unconcerned men will think I have undertaken no very difficult task. If I can but persuade the Kings adversaries, they have not forsworn themselves, I shall recover them to due obedience (but I must tell them, if they were not perjur'd in taking the Oath of Supreamacy (not to mention now that of Allegiance) they are so in breaking it) the words are so expresse, that not any colourable glosse can be invented to excuse the violation of this solemn Sacrament. [I, A, B. Do utterly testify and declare in my conscience, that the Kings Highnesse is the only supream Governour of this Realm, and of all other His Highnesses Dominions and Countreys, as well in all Spirituall or Ecclesiasticall things, or causes, as Temporall, &c. I do promise, that from henceforth, I shall bear faith and true Allegiance to the Kings Highness, His Heires, and Lawfull Successors, and to my power shall assist and defend all jurisdictions, privileges, preheminences, and authorities, granted or belonging to the Kings Highness, His Heirs, and Successors,

or united and annexed to the Imperiall Crown of this Realm.

So help me God, and by the contents of this Book.] It hath been replied, That this Oath is taken in opposition to the Pope, to exclude the Supremacy usurped by him for many years. They speak truth, but not all the truth; for there are two parts in it. One, negative; by which we profess, that not any foreign State, or Potentate, nor the Pope hath this power. The other positive, by which the Subject of this power is specified. *The Kings Highnesse is the onely supream Governour of this Realm*, as in all spirital things, and causes, so likewise Temporal. Both Ecclesiasticall and Civill supremacy are here asserted to be in the King. It was not thought sufficient to tell who was not Supream, but they declare also who was. When we had truly sworn the Pope out of this Kingdome, what necessity was there to make the people perjur'd? For certainly they forswore themselves, who solemnly testifie and declare in their conscience, That *the Kings Highnesse is the onely supream Governour*, if the meaning of those words be onely this, that the Pope is not: It concerns us as highly as our Souls are worth, *reddere juramentum Domino*, to perform unto the Lord our Oath, and not to lift up those hands against the King, which were laid upon the holy Gospel, in witnesse of our submission to him *as the onely supream Governour*. What desperate malice is it to expose our Souls to every Musket shot? If we fall, we perish eternally. This sad contemplation, that we stand on the very brink of Hell, ready to be turned into the Lake of everlasting woes, by every sword; every bullet will smite our hearts, and make our arms feeble in the day of battle: What confusion and amazement and horreur of conscience must needs seize upon all considering men? Think upon the heinousnesse of parricide, to murther a Father, is a sin greater then any one is able to bear:

King hath
paternall
power from
consent of
the people.

But to spill the blood of our Sovereign (which they have done, who fought against him, for it is murder in Gods sight; his goodnesse in protecting his servant, doth not excuse their sin in endeavouring to destroy their King) whom God commands not to touch, and whose life we have sworn to defend with the utmost regard of our own, and we have desired the Lord to revenge it in our destruction, if we do otherwise, is of a much deeper dye. For the King is *Pater patriæ*, a common Father to all without a Metaphor: what ever power Fathers had over, and consequently whatsoever honour as an effect of this power, was due to them from their children, he hath right to challenge the same of all. And though we should joyn together, and call ourselves the Common-wealth, we can no more lawfully disrespect, give law to, resist upon hard usage, or say he is lesse honourable when all we, then children by agreement may dispense with their duty to their parents. It was our own act which united all particular paternal power in Him, and that these are truly transferred, and now really in Him, is very evident, because else we should be bound to obey our Fathers commands, before those of the King. For divine precept stands in full force; *Honour thy Father, &c.* and therefore we must confesse, *tam pater nemo est us terris*, he that beget us, is not so much our Father, as the King is. It may be fit to take notice here, that the Supream power of a State, hath by our particular deeds and common agreement, as much right over, not single persons onely, but the whole body, as every Father hath over not this or that childe onely, but his whole family: and as he cannot be said, though *major singulis matris*, yet *totâ prole minor*, so neither a King (if this power be placed in one, which is essential to a Monarchy) *minor universis*.

Though

Though a Monarch hath greater right, and larger power, then even all the people could bestow upon him; for he hath *poteſtatem vita & necis*; and this Farthers have not now over their children, over themselves; it can only come from him who hath dominion over his creatures, and therefore the people must look upon him, not only as their *gown*, but as Gods representative; yet to say nothing of this, and to deale liberally with our Adversaries, by supposing (though I cannot grant) their principles true; concerning the original of power being in the people, I can demonstrably convince them by most plain and evident deduction from their own scheme.

I took this method in my *Answer to the Observations*, that by joyning issue upon their own grounds, I might put a quicker end to the debate. It would have required more time to shew at large, *The Kings power was from God* (which was proved in brief; and there, as is this discourse, it is acknowledged to be restrained by His own or His Progenitors grants; *poteſt enim Rex vim regni minuire*) and so of much higher nature then the contribution of popular Votes could raise it to; it was abundantly sufficient, to prove that the people have not any legall power against the King. The former is built upon this pillar, *nemo dat, quod non habet*; the power of the Magistrate was not in the people considered severally, and before civill society, and in such a State, as the *Aborigenes* are described by *Salust. genus hominum agreste, sine legibus, sine imperio, liberum atque solutum*, a multitude, not a Nation, and certain wild raits, without Laws, without Empire, free to doe or suffer wrong, and loose from all positive obligations. Not any one having *jus gladii*, a right to take away the life of man; it follows they could not bestow it upon another; for what is not, cannot be alienated. And therefore the supream Magistrate hath more power then the whole people, and is *vice Deus*, Gods Vicegerent. Let them

take heed how they call Gods Ministers the peoples servants; God hath taken speciall care the Magistrate should be honoured; and respect is due, as to his, not their creature.

The latter. That the people have not any legal power against the King, is as firmly supported by another pillar, *nemo habet quod dedit*. Suppose the original of power in the people, or as they love to speak, suppose them the efficient cause of power, which cannot be but by giving to one man in a Monarchy, to a Senate in an Aristocracy, a right to use their divided strengths. Since therefore they cannot retain, what they have parted with, nor have what they gave away, he which hath all their power (I may add his own particular besides) must needs be greater and more powerfull then they. The truth is, he is (in a Monarchy, and they are in an Aristocracy) the only fountain of all power and justice. Answer to the Observation pag. 10. This is as certain, as that there are some governments besides Democracy; for it is essentiall to them; what is that which makes Anarchy except this, that every man hath right to do what he will, in reference to any nationall Law? The only means to avoid this confusion, is to resign up this hurtfull liberty (which is very prudently done upon choice, but necessarily upon conquest) if it be given to one, we call that State Monarchy; if to few, we call it Optimacy; if to very many, who rule by turnes and are elected by the people, we call it Democracy. There cannot be any other ground to difference the formes of Regiments.

Demonstration from the difference of formes of Regiments.

Hence appears the weakness of those discourses which have no other strength then the impossibility that the people can make one greater and more powerful then all they (which is understood not of their natural,) this cannot be past away to another) but politique strength, that is, the right of using their power, this may be, and is parted with, (except the Government be a Democracy)

mocracy) because *Quicquid efficit tale, est magis tale*. The reply to the *Answer to the Observations*, confesses my argument, concluding, if it were true that the people had parted with their power, pag. 6. upon this the determination of the whole controversy depends; and that it was rightly stated by me, will evidently appear; because unless the people have resigned up their power, the Author can never shew how this State is a Monarchy. It doth not alter the case, that the King hath restrained himself from the use of this power to some purposes without their consent, as for making new Laws or raising money; for this limitation only makes such Acts illegal, but doth not return any power into them, whereby they may be enabled to raise an Army, or to oppose the Militia of the Kingdom against him, to compell him by strong hand to govern according to Law. If the subject of this Power be the people, who may meet together and lawfully determine (for though He resolve all into the two Houses, yet if he follow the consequences of his own principle, he must go thus high) what they fancy conducing to their own safety, we are clearly fallen back into Anarchy. To avoid this confusion, the Author places it in their representatives, but it will come to the same thing by undeniable deductions from his own grounds. For the same arguments which are made against the King, equally conclude against the two Houses; since *Quicquid efficit tale, est magis tale*; and that they are intrusted for the common good, may be equally applied to them; and then King and Lords, and Commons are Voted away at the pleasure of the multitude.

The sum of this Book is, that the people retain their power, and therefore may make resistance, in case he Govern not according to Law, and be is responsible for such breaches; The proof is, He is intrusted for their good, and there is a mutuell covenant between King and People,

Arguments
brought a-
gainst the

King, con-
clude as
much for
the people a-
gainst the
Parliament.

People, and this violated by him dissolves the compact.

I have in this Discourse punctually examined those and what farther grounds of scruples I could finde in the replyer, as will appear more fully in the following Section. Being to answer so many, I would not trespass upon the Readers patience by an exact view of his particular mistakes, which might have been confuted with great ease, but with no great advantage to the cause, to which I have spoken more closely, and as fully as I was able.

I will discover to him one desperate consequence from his principle, which it concerns him to blush and repent for. *There is a mutuall Covenant between King and People, and the breach of it dissolves the compact*: if so, his Crown is forfeited, and he ceases to be King *de jure* upon such violation, which he is now charged with, (because they could not have any colour for taking up Arms, but upon this pretence.) Therefore the plain conclusion is, It is no want of duty in them, though they depose him; for it is no injury to take away, what he can challenge no right to: His claim was by virtue of compact, which is dissolved by his not standing to conditions, and so the bargain is unmade, the bonds of allegiance are broken a sunder. The Houses have laboured to clear themselves from this wicked doctrine, by telling us the deposition of the second *Edward* and *Richard* was not to be numbered amongst the presidents of Parliament, and that no free Parliament ever attempted the like: and yet a private man dares publish such manifest Treason. I am perswaded that the Author, supposing a breach of covenant of His Majesties part, and then telling us such a breach dissolves the compact, was not fully apprehensive that this pernicious principle unking his Sovereign. When he sees his treasonable *entour*, he will finde

finde, that Logick ill managed is a more dangerous weapon, then a sword in the hands of mad men.

To return to further proofs of the Kings Supremacy; That which makes a State one, is the union of Supream power, and this according as it is placed in one or more persons, gives denomination to the form: So that all those Acts of Parliament which confesse this a Monarchy, are so many solid testimonies of the Kings Supremacy.

Kings Supremacy further proved.

The Answer is, *Though this be demonstrably true in an absolute Empire, yet it concludes not in a mixt Monarchy.*

I am very confident a mistake of this *mixt Monarchy* hath engaged many well-meaning men against the King, to the overthrow of our Laws, which the simplest part are perswaded they fight for; *Honesti voluntate rebelles sunt*, there are some who contribute their forces to destroy this Kingdome in behalf of the Common-wealth; and they are so far deceived, as to be made unhappy instruments to advance private interests with publique hearts. And therefore it will be necessary to discover their *error*, by which their unfortunate Country hath suffer'd as much, as by the faults of others.

The true meaning of that which is called a mixt Monarchy.

They have not any shadow of excuse to countenance their Rebellion from this distinction, unless *mixt Monarchy* doe signifie either that the people in their diffusive body, or by their Representatives have a greater, or at least an equall power with the King. The reason of which is, because Inferiours by the acknowledgement of all, have not any jurisdiction over Superiours: and equals though they have not *imperium*, right to govern, yet if in iur'd, and they require satisfaction, and upon denyall of it, attempt to compass it by force. they are esteemed by the Law of Reason and Nations, *just enemies*: whereas Subjects, if they make war upon their Sovereign, though when wronged, are worthily accounted Rebels. First, The diffusive body of the people hath

hath not greater ; nay, not equal power with the King, because they have not any legall way of expressing themselves. Our Laws determine it Treason to enter into any association, or raise a Warre without the Kings consent, and much more against his expresse commands. Secondly, the representative body hath not greater nor equall power with the King. The same argument overthrows their claim ; for the people cannot authorize them to doe beyond what themselves were enabled to ; therefore if actions of this nature were unwarrantable in the diffusive body, they are so in the Representative.

Representative Body is not the People to all purposes.

It may be not unfit to observe, that the Representative body is the People onely to some ends and purposes, whereto they were intrusted by them according to Law ; and therefore no illegall ordinances, (such as all those are, which the King denies to ratifie) ought to be called the Act of the people : They are no more concerned in it, then if they should take upon them contrary to Law, to stamp and coyn money with the inscription of *Senatus, populusque Anglicanus*, or to send Ambassadors, or denounce warr against, or enter into a League of freindship with Forreign Princes, or bestow the great Offices of State, or dispose of Wardships, or take to themselves a power to raise Armes without His Majesties consent. Again, because they represent the people, but to some purposes onely, though their principles were firm, (as they are extreemly weak) that the King is lesse then His Subjects *conjunctim*, and that they collectively are more honourable then He, &c. yet they bring not the conclusion home to the two Houses. Because it doth not appear, and they had no reason to take it for granted, that the two Houses (which they call the Parliament) are the people in this consideration. A Jury is the representative people, (as experience teaches, and we may finde it in Sir Thomas Smith) l. 2. c. 25. The legall answer to that interrogatory, *Haw will you be tryed ?* is, *Dei potentique judicio : by God and my Country ;* and the Clerk of

of the Sizes replies, *Ecce tibi hi prohi viri populum representant*) and the Sophistry would be easily discovered, if we should argue they are therefore more honourable than the King. We may take notice also, that their arguments are onely capable of concluding for the House of Commons, (and if they follow the necessary consequences of them; they must maintain the Lower, is above the Upper House) for the Lords sit onely in personall capacities, being enabled thereto by the prudence of our Laws; which thought it is reasonable they should have as great a share in government as a negative voyce came to, because they enjoyed such ample revenues, that they were likely not to agree to any thing prejudicial to the present settled State.

I shall prove more fully, in the next Section, that those who represent Subjects (and that but to some purposes, and not the King to any, for this would overthrow that fundamental constitution of three distinct Estates) cannot be equall to, much lesse above their Sovereign. And that groundlesse invention which denies subordination, and introduces an unheard of coordination, such as creates *Regnum in Regno*, and rents this Country into distinct Kingdoms, shall be refuted.

Since what is called *Mixt Monarchy*, cannot give such a right as is pleaded for, that Subjects should be free to wage Warr against their Prince, because this liberty makes two Independent States, which are not compatible in one body, but would be as really distinct Kingdoms in *England*, as *Spain* and *France* are; I will endeavour to declare the true meaning thereof. If we speak properly: there cannot be such a thing as *mixtum imperium*. A mixt, or mixt Aristocracy, or mixt Democracy. Because, if there are divers supream powers, it is no longer one State. if the supream power be but one (that is that Authority unto which *Le dernier resort de la justice*, the last appeal must be made, and against whose sentence though unjust, we have not any legal remedy) this must be placed either in one man, who

is the fountain of all jurisdiction, and then is a Monarchicall government, or in some Nobles, and then the Regiment is Aristocratically, and the sentence of the major part of them becomes Law to all effects, whether concerning our goods or lives, or if the civill constitutions of a State direct us to appeal to the people, this is an absolute and true Democracy. By a *mixt Monarchy* therefore (not to quarrell about words) nothing but this can reasonably be understood, that it is not *transcendens*, or *transcendentis* *monarchia*, wherein the will of the Prince publicly made known, gives the Law, *Quodcumque Principi placet, legis habet vigorem*; but *basilica vel ad rem*, a government not arbitrary, but restrained by positive constitutions, wherein a Prince hath limited himself by Promise or Oath, not to exercise full power. This grant is of force, because any man may either totally resign, or diminish his rights by Covenant. Hence it is that in Monarchies all Kings have supream power, though they have not all the same *jura Regalia*; their prerogatives are larger or narrower according to their particular grants. For example, our Kings have retained to themselves the rights of coining money, making great officers, bestowing honours as Dukedomes, Baronies, Knights, &c. pardoning all offences against the Crown, making war and peace, sending Ambassadors to negotiate with foreign States, &c. and they have restrained themselves from the use of that power which makes new Laws and repeals old, without the consent of the Lords and Commons in Parliament; as likewise from raising money upon the Subjects without their consent.

Some do aske, *How are we the better, if we must suffer him to break this Covenant as oft as he pleases?* it is the same thing not to have any Laws, and not to have provision for the observance of them.

First

First, I must tell you, this objection, is answered by Difference shewing there is a necessity that some body must be tru-
 sted. It is no discretion to prevent a possible mischief by probable inconveniences; if you will not trust one, and govern-
 you must trust more, that is, if you are weary of Mo-
 narchy (under which your fore-fathers enjoyed happy times, and experience cannot cozen you, though argu-
 ments may) you know the way to cast it off by pla-
 cing so many guardians over your Prince, but have you
 any greater assurance then before? *Quis custodiet ipsos*
custodes? They have as great temptations to fail their
 trusts as he had, and it is likely being warned by such
 a precedent of deserting your naturall Prince, they may
 fear your inconstancy, and upon pretence that you are
 subject to mistake; and because they suspect you may be
 misled, they will take such order, you shall not be able
 to call them to an account. But suppose this may not
 be, and that those who suppress Tyrants (or perhaps
 excellent Kings under that name) may not be frighted
 with their own example, to make use of their present
 power, to exercise a greater Tyranny; for it is not im-
 possible they should grow *jealous* too, and tell you plain-
 ly, they have no reason to trust you. If you deny them
 money, here is ground of diffidence; your design is to
 expose them to poverty, to contempt, to ruin.
 But suppose I say nothing of this, but that they will be
 secure amidst your jealousies, which manifestly endan-
 ger their safety; yet you will be forced at last to trust
 the giddy multitude; who are always weary of the pre-
 sent government, because there are still some unavoida-
 ble defects and these are discerned by sense, and they
 have not such depth of understanding as to foresee grea-
 ter mischiefs (which can only be judged of by reason)
 and therefore are easily perswaded to attempt a change
 so that your peace is built upon a very weak foundation
 you have no better security against a small war, then
 that

that the greater part of the people will be discreet. If things prosper not according to their wishes, crafty men persuade them, the fault lies in these who have the managery of the publique; and if those be not removed, and honest and wise men (meaning themselves) put in their places, their miseries will daily grow upon them. A generall accusation of ill-affected, malignant persons, wicked Counsellors, is cause sufficient to put their supposed enemies of all preferments, and put their pretended friends in their rooms. This opens a gap to all confusion; civill Warr, & most unnatural distractions are the certain issue of it. Our own lamentable experience confirms this sad truth. After you had obtained a perfect confirmation of al your ancient rights & liberties, with a gracious enlargement of them by new grants, and with such security as your forefathers were not acquainted with, you are frighted with the possibility of a relapse. To prevent which, it was thought fit to take away the Kings power; with which our Laws had invested him, as the necessary means for our protection; because it was not impossible he might use it for our oppression. Accordingly the Kings Navy, His Forts, Magazines, and the Armes of the Kingdom, are put into such as you would call safe hands. I do not ask with what conscience; but with what judgment you did this? The want of prudence; was as great as that of honesty. What hath been the successe of confiding in those whom the Lawes had not intrusted? Are not your sufferings infinitely multiplied; Are you not extremely sick of your remedy? The tables are quite turned, and your friends have undertaken the same bad game, and play it much worse; you only make the stakes, and are in a probable way to lose all that you have. (What one thing did you complain of, which is not exceeded by them? Your grievances are highly improved; *Magna Charta*, and the Petition of Right are now malignant, they speak not the
sen'e

sense of the House, but take part with the King. To quote our good and ancient Laws, is interpreted a breach of Privileges of Parliament; appeals are made to the people, the ready way to an universall confusion. And they according to private information, and misguided affections, did once passe this sentence, that to imprison without cause alledged, and to deny *Habeas Corpus's*, is no intrenchment upon the liberty of the Subject; to bestow mens estates by whole sale, and take away their Money, Plate, or Goods, doth not destroy the property of the Subject: To scorn and revile the Book of Common-Prayer, against an Act of Parliament, which severely punishes such contempt; and to supplant our established doctrine and discipline by countenancing Anabaptism and Brownism, conduces to the holy Reformation, and will in time effect that great work, and settle true Religion. Thus much by the way, to shew that we cannot have any absolute security; in all Governments it is necessary to trust some body. For if we should retain a liberty to right our selves (not to mention the small mischiefs of Anarchy, and that it is probable this freedom would be frequently abused to our wrong, self-love making men partiall in their own causes) the decision of controversies would be writ in blood, and we should lay a fruitfull seed-plot of civill Warrs, contrary to the end of society, which is to preserve publick peace; though sometimes with private losse; because though we suffer some things by injustice, yet we enjoy great benefits by common tranquillity; but in the ruine of the whole, the rights of single persons must be destroyed. The hazard likewise appears much greater, by enabling those to injure us; whom the Law hath not intrusted with our protection.

To answer their objection fully, who would persuade the people, there is not any difference between arbitrary Government, and Government restrained by Laws,

if Subjects may not compell their Sovereign to the observation of them.

Greater security would undoe us. For though we suffer sometimes under reall grievances, yet pretended breaches of our rights (which can never be wanting, as long as ambitious persons are discontented) would have the same influence to stir up civill dissensions; and it is a more prudent course, to oblige some to sit down though wronged, then to open a certain way for Schism in the body by indulging a most pernicious freedom of righting themselves. It was wisely said by *Seneca*, *Sati- us est à paucis etiam justam excusationem non accipi, quam ab omnibus aliquam tentari.* For Kingdomes are many times disturbed upon meer pretences. There are such who will set their Country on fire, onely to warm their own hands by it, and trouble the waters, that they may the better catch fish; that is, who will pursue private interests with hazard of publick destruction. He that doubts this, let him consult Histories, and he shall finde it hath been fatall to the best Princes to have the worst Subjects. I appeal to mens consciences whether they have not read, and perhaps seen the reign of a most gracious Prince, a Prince eminently mercifull, and just, branded with the odious name of Tyranny! And when malice it self cannot blemish his actions, when he is not so bad as they could pray for, (for they would have made great advantages, if they could charge him with personall vices, as unchast, intemperate, or negligent in performance of religious duties) yet craft hath done their business, and abused the peoples weakness so far, as to make them active in their own ruine, by that wicked Art of declaiming against evill Councillors. Of such dangerous consequence is it, to open a way to Civill Warr upon pretended miscarriages in government! But grant, not fancied, but reall injuries; Yet

— Non tanti est civilia bella movere.

It is true; the people are then not so happy as they might be; but to make use of force as a remedy, will encrease their miseries. It is certain, this Kingdome never suffered so highly under the greatest Tyrant, as it hath already by this unnaturall Warr: and who can tell, whether it may not end in a universall destruction? If a King be forced to conquer against his will, who knows how far he may be tempted beyond his naturall disposition? It is a melancholly consideration, that a peoples perverseness may change a gentle Scepter into a rod of Iron. But if Subjects prevail, we can see no end of the Warr. Forraign Nations will be poured upon this unhappy Land, and there will never be wanting at home a considerable party (as long as there are either honest or discontented men) to fight for the regaining his hereditary rights; to keep whom in aw, our fellow Subjects will plead a necessity of being tyrants (I could wish it were not already acted upon us; first their will made necessity, and then necessity makes their will the measure of right and wrong, and destroys all Law) their wants will give Law to us, and imprison us upon bare suspicion of Loyalty, and seize on our estates for fear they may be honestly employed.

Thus we see a necessity of trust, and that we are bound not only in conscience, but in prudence also, not to revenge the not performance of it. I can further make it appear, we have very good security (as strong as humane wisdom ever invented) that we shall live happily; and therefore we have no reason to rob our selves of those great blessings which we lately enjoyed, peace and plenty; upon vain fears and groundless jealousies of imaginary miseries. Our forefathers did not distrust the sound temper of this policy, and they enjoyed the benefits of it in a high degree.

F 2

First

First, the King hath sworn to preserve our Laws, our Liberties, our Propriety, and Religion; as he desires God so to prosper him, and his, and he performs this Oath unto the Lord, who will require a severe account. We may make a highly probable conjecture of the sincerity of his royal heart, and the unfeignedness of his many sacred Protestations from his miraculous successes. If God had not fought on his side, if the immediate hand of Providence had not supported him, in mans judgment he had been swallowed up.

Secondly, if he should command any illegal things, the executioners of them are responsible, and must make satisfaction to the injur'd parties. And they cannot flatter themselves with hopes of impunity; for once in three years a Parliament will call them to account, and they have a great Democratical advantage for the obtaining justice; Because the Kings wants cannot be supplied without their consent, and it is very unlikely he will deny any reasonable petitions, or reject any desires but such as rob him of his honour, which is infinitely dear to him above plenty; except they endeavour to make him worse then poore, (which cannot be by demanding justice) it is most probable he will readily assent.

Thirdly, His interests are the same with the Subjects. They are not like two buckets, when one is lowest, the other is highest, but they resemble the Head and the rest of the Members & the Head cannot thrive by a consumption of the Members. Illegal gainings from the people are shifts rather then true policy; they may serve a present turn, yet are not worth the price at which they are purchased, envy and discontents; whereas the gratitude of the Subject is a constant and cheerfull patrimony. When the King, like the Sun, in consideration of what is drawn up from them, shall return it in plentiful showers and the blessings of a just government, which makes a Land fruitful.

Upon

Upon these grounds we have very good reason to promise to our selves a happy government; our hopes are much above our feares, especially after his greater experience of the unfortunate consequences of some miscarriages, and the strange blessings upon his strict observation of the certain and known Laws.

They that require fuller information in the nature of this government, may finde ample satisfaction in *Stamford, Dyer, Crompton*, and *Sir Edward Coke*, That the King is the fountain of all justice, and consequently that the Laws have placed the supream power in the Crown. I have chosen rather to shew it out of *Bracton*, a man worthily famous for his knowledge in the Civill and Common Law, because the book is lesse common, and I finde his authority often abused to justifie their cause. *Sciendum, quod ipse dominus Rex, qui ordinariam habet jurisdictionem & dignitatem & potestatem super omnes qui in regno suo sunt, habet enim omnia jura in manu sua, quæ ad coronam & laicalem pertinent potestatem, & materiale gladium qui pertinet ad regni gubernaculum; habet etiam justitiam & judicium, quæ sunt jurisdictiones, ut ex jurisdictione suâ, sicut Dei minister & Vicarius, tribuat unicuique quod suum fuerit. Habet enim ea quæ sunt pacis, ut populus sibi traditus in pace sileat & quiescat, & ne quis alterum verberet, vulneret, vel male tractet, ne quis alienam rem per vim & roburiam auferat vel asportet, ne quis hominem mactemiet vel occidas. Habet etiam coercionem ut delinquentes puniat & coerceat. Item, habet in potestate suâ leges & constitutiones, assisas in regno suo provisas, & approbatas, & juratas; ipse in propria personâ suâ observet & subditis suis faciat observari; nihil enim prodest jura condere, nisi sit qui jura tueatur. Habet igitur Rex hujusmodi jura sive jurisdictiones in manu sua, lib. 2. cap. 24. Sect. 1. And again, Ea quæ jurisdictionis sunt & pacis, & ea quæ sunt justitiæ & paci annexa, ad nullum pertinent nisi ad coronam, & dignitatem regiam, nec à corona separari poterunt cum*

Kings Supremacy provided out of Bracton.

faciant ipsam coronam. The English of it in brief, is this; The King hath supream power in all civill causes, and is *super omnes*, over all persons, over the body politique; all jurisdictions are in him; the material sword of right belongs to him, & whatsoever conduces to peace that the people committed to his Charge may lead peaceable and quiet lives. The power of holding Assizes is derived from him, and of punishing Delinquents. For Laws were vainly enacted, if there were not some body enabled to protect us by defending them, &c.

These conclusions are naturally deduced from his premises. To dispose the *Militia* of the Kingdome without the consent of the Sovereign (and much more against his expresse prohibition) is illegall. To issue Commissions by any other authority then his, for killing and slaying, or taking mens estates by force, is against the known Laws: and to forbid the holding of Assizes (upon whatever pretence of advancing the Subjects property, by stopping the course of Justice) is destructive of the rights both of King and Subjects.

He defines the Sword, *lib. 1. cap. 8. Sect. 4.* Left Subjects should think it lawfull to take it up in their own defence without his authority, *significat defensionem regni & patriæ*, it is the right to defend the Kingdome. *Populi salus*, the safety of the people (the pretence of which hath engaged them in a likely way of ruine) cannot dispense with our Laws, which have enabled onely him to protect them. It is not possible to speak more home then he hath done in the fifth Paragraph. *Quia is quidem sub rege, & ipse nulli nisi tantum sub Deo. Parem autem non habet in regno suo, quia sic amitteret præceptum, cum par in parem non habeat imperium. Item, nec multo fortius superiorem nec potentiorum habere debet, quia sic esset inferior sui subjectis, & inferiores pares esse non possunt potentioribus. Ipse autem Rex non debet esse sub homine, sed sub Deo & sub lege, quia lex facit regem.* All are under the King, and the King is under God onely; He

He hath no equall in his Realm, (*no coordination here*) because then he could not command all, for amongst equals there can be no Empire. Therefore much lesse are any his superiours, or can challenge greater power, because then he would be under his Subjects, &c. The King ought not to be under man. He is under God, and the Law, because the Law makes him King.

The last words (though advantage be made of them, and *Fortescue* is quoted to the same purpose) can afford no just ground of scruple; for he explains himself within a few lines. *Lex facit regem*, signifies no more then that of the Roman Emperours, *Aded de authoritate juris nostra pendet autoritas. l. digna, c. de legib.* The meaning may be extended thus farre, That the people had a hand in the conveyance of their divided right unto him, and he may now challenge them by vertue of their own agreement, and by divine right also, but as presupposing this consent; because God doth not immediately dispose of Kingdomes now, and conquest signifies greater force, not juster title; that oft times gives possession, and a subsequent compact creates a true right. I do not deny but that conquest in some cases may be a lawfull way of acquisition; the provocation may be so great, that persons and estates are forfeited to the victor; but because the will is not capable of being forced, it doth not follow, he hath got a right over their goods and bodies; therefore they are His Subjects, and owe to him obedience. For to be subject, being a morall bond, where God doth not lay upon us any obligation, (as the duty of children towards their Parents doth not depend upon choice) it can onely flow from our consent. But this consent of the people was not an adequate cause, but a necessary qualification to make him capable of receiving a larger commission from God. The Sword of Justice is blunt; the peoples agreement could not put an edge upon; it to cut off offenders; this is done by the Magistrate, as Gods delegate.

That the King is *sub lege*, under the Law, hath this sense, That he ought to govern according to those standing rules. His Majesty freely confesses this obligation; and since experience hath taught him the benefits of strict observance, he will not be intreated upon what plausible pretences loever (and much lesse will he commanded) to recede from their known and certain direction. But if he should swerve from these rules, he is not lyable to any punishment, nor compellible by strong hand; not for want of sin, for he offends highly in that case. but for want of a superiour jurisdiction. *Bracton* delivers this truth plainly, we have no legall remedy; we can only humbly Petition His sacred Majesty; *locus erit supplicationi, quod factum suum corrigat & emendet; quod quidem si non fecerit, satis sufficit ei ad pacem, quod Dominum expectet ultorem. Nemo quidem de factis suis presumat disputare, multo fortius contra factum suum venire.* If he will not hearken to our just and reasonable desires, *satis sufficit*, his punishment is more then enough, for he must render an account to him that judgeth righteously. Let not men presume to question his deeds; much lesse to undoe by force, what he shall doe, though not according to right. That you may not think this dropt from him unwarily, he repeats it in other places, and *lib. 6. tract. 3. de defaultis cap. 3. Sect. 3.* He puts the case, That the King should do injury, and a plea is brought against him, in whose behalf he did it; the King being Petitioned and persisting, and he rules it thus; *Quo casu cum dominus Rex super hoc fuerit interpellatus, in eadem persistit voluntate, quod velit tenentem esse defensum cum injuria; cum teneatur justitiam totis viribus defendere, ex tunc erit injuria ipsius domini regis, nec poterit ei necessitatem aliquis imponere quod illam corrigat & emendet nisi velit, cum superiorem non habeat nisi Deum, satis erit illi pro pena quod Deum expectet ultorem.* If the King, who is bound to administer justice to his utmost power, will not recall the

the wrong he did upon a false suggestion, in this case, he injures his subjects, but no body can force him to do right, because he hath supream power; he hath no superiour but God onely, and it is sufficient that we shall have a day of hearing hereafter at a just tribunal, where he shall be punished for doing wrong, and we amply required for our patient suffering. In *lib. 2. cap. 16. Sect. 3.* he attributes the highest authority to the King of England. If the place be rightly understood by a wise Chancellor of this Land, whose collections from thence I shall lay down; you may finde them in his case of the *Postnati*, page 107, 108. *De chartis regis & factis regum non debent nec possunt Justitarii nec privatae personae disputare, nec etiam si in illa dubitatio oriatur, possunt eam interpretari; & in dubiis & obscuris, vel si aliqua dictio duos contineat intellectus, domini regis erit expectanda interpretatio & voluntas, cum ejus sit interpretari, cujus est condere.* The sense is, that all cases *omissi*, cases not determined for want of foresight, are in the King: so that it gives not power to him to make new or abrogate old Laws without consent in Parliament, but the right of Interpretation belongs to him, not in plain and evident causes (for these needs no declarer; to challenge a right to declare all Laws, were in effect to make them; and then all the Subjects rights would be in their breasts; and depend upon arbitrary Votes) but onely in new questions, and doubts which must not be resolved contrary to old Law. By this it appears that Subjects ought not to judge of the equitable part of Law, and to overthrow the literall sense at pleasure, to the prejudice of their Sovereign. Our King hath as much right by our constitutions, as that civill Law gave the Roman Emperours, *Inter equitatem jusque interpositam interpretationum nobis solis & licet & oportet inspicere, l. 1. c. de leg. & constit.* or that other, *Rex solus judicat de causa à jure non discussa.*

Notwithstanding such expresse testimonies of the Kings Supremacy, yet such is the ignorance of some
(these

(these transcribing only, and only varying the method of treason in their seditious Pamphlets, as appears by that remarkable error borrowed out of the *Observations* of Richard the second, being misst by Spencer, which I have met with in many of their libells) and such is the malice of others, who have searched the place in *Bracton* by them quoted, that his Authority is cited against the King almost in all their Pamphlets which either speak Latine, or pretend to have knowledge in the Laws.

Bractons
authority
abused by
them.

The Author of the fuller answer to Doctor Ferne, tells us, *The two Houses collectim considered in a joynt body, are not Subjects*, p. 4. And *Bracton*, he says, will bear him out in it. *Rex habet superiorem, Deum scilicet; item legem per quam factus est Rex, item Curiam suam, viz. Comites, Barones, &c.* The King hath above him, besides God, the Law, whereby he is made King, likewise his Court of Earles, and Barons, &c. This man hath betrayed either want of knowledge, or want of honesty; I suspect the latter, because he must needs understand, that this was a very unfit proof of coordination between the three estates (upon the strength of which his whole discourse hangs, and it is merely begged) for this concludes against it, and makes a most absurd subordination of the Sovereign to such a number of his Subjects, and therefore he confesseth, *he need not go so high*. The adding, &c. as he hath above him his Court of Earls and Barons, and so forth, doth discover their unfaithfull dealing. For first, there is not the least mention of the House of Commons (which they would seem to imply) and therefore it cannot seem their turn; and secondly the words following (crassly left out) shew the absurdity of it; the reason of the speech is, *quia Comites dicuntur quasi socii Regis; & qui habet socium, habet magistrum; & ideo si Rex fuerit sine freno. i. e. sine lege, debent ei frenum ponere nisi ipsi met fuerint cum Rege sine freno*, (Because Earles are quasi fellows

follows to the King (I may perhaps render the meaning by calling them his Peers) and he that hath a fellow (or a Peere) hath a Master. And therefore if the King will indulge himself a loosensse from all Lawes, they ought to impose those bonds upon him, except they also will cast off obedience to established Lawes. Then, he says, no farther remedy is left but crying to the Lord, and the Lord will return this answer, *Vocabo super eas gentem robustam & longinquam quæ destruet eos, &c.* by the way he does not say that Subjects shall call in a forraign Nation, that is Treason; but the Lord will bring them in, because they would not judge their people righteously.

The distinct answer to it is, that Bracton lays not this down as Law, but when he had taught the quite contrary, *Omnia quidem sub eo, & ipse sub nullo sed sub Deo tantum; and non habet parem, and sufficit ad panem quod Dominum expectet ultorem.* He puts this speech into the mouth of a man discontented at the abuse of regall power, and arguing from the practice of that Age wherein he wrote; for the Rebellious Barons seized on the Militia of the Kingdom, which of right appertained to Him, the third, as Bracton clearly delivers himself, *ea quæ sunt iusticiæ & pacis annexa, ad nullum pertinent nisi ad coronam, nec à coronâ separari poterunt.* That he speaks it in the person of another, appears from hence, that he begins it with *dicere poteris quis?* some body may say, The King hath done Justice, and it is well; and why hath he not the same liberty to censure him if he do injustice; and accordingly to require him to perform his duty, least he fall into the hands of the living God? He proceeds immediately to *Rex autem habet superiorem, &c.*

It would be very easy, for one better read in our Kings supreme Laws, then I am, to shew that the King of England may prove hath supreme right, from the nature of all Subjects lands from the natholden of him in fee; which though it gives a perpetu-
ture of all
all estate, yet not absolute, but conditionall; for it his Subjects
depends upon the acknowledgment of superiority, and is tenures,
forsci-

forfeitable upon a not performance of some duties, and therefore it returns unto him. For the breach of Fidelity is losse of *Fee*, as appears in *Daurean*, *Wesembeckius*, *Farinaccius*, *Molina*, *Socius*, *Gail*, and they tell us that all Lawyers agree, that all *Fenda* are lost by Rebellion; as also by our common Law, which according to the nature of the trespass, varies the forfeiture. In case of Treason, as taking up armes against the King, (for so you may finde it determined 25. *Edw.* 3. c. 2.) after legall conviction, all their Lands and Tenements are absolutely in the Kings disposall: in case of felony, the King hath a year, a day and the wast, after which it passeth down to the heirs. It is very evident, that the King onely hath that high degree of property in his lands, which Lawyers call *alodium* or *alodum*. The sense is the same, though the words differ; for it is not materiall, whether with *Budens* we derive it from the privative particle (*a*) and *Laudum*, which signifies nomination, so that it denotes *pradium cuius nullus auctor est nisi Deus*: to hold in his own full right, without any service, any payment of Rent, because from God onely, or like to those of *Hainault*, who acknowledge no tenure but God and the Sun, *Pays de Hainault tenu de dieu & du soleil*, or else we may derive it from the same privative particle (*a*) and the Saxon *Leo* 8. or the French *leud* (a vassall or leigeman) and then it expresses thus much, a tenement without vassallage, without burthen, to which our English *Loade* retains some resemblance.

But Subjects of what degree or condition soever, hold their lands *ut feuda*, in the nature of *Fee*. which implies Fealty to a superiour. It is all one whether they belong to them by inheritance, or by purchase; for though they may sometimes be dearly bought, yet such is the condition of the alienation, that they cannot be conveyed without those burdens which were layed upon him who had *novell Fee*. So that *Camden* p. 93. of his *Britannia*,

tanja, observes very truly, that the King onely hath *directum dominium*, this being reserved by the conquerours, who changed many of our laws, and introduced the customes of Normandy, and instituted all our pleas in French, and passed over the *utile dominium* onely; he gave though not absolute yet perpetuall right, conditions being performed, to use and enjoy such and such lands. The highest expression of a Subjects right which law will justifie, is this, *seisitus inde in dominio suo, ut de feudo*. He is seized of such lands in his demaine, as Fee. Now Feudum is manifestly a derived right, and founded in him who hath supream right, in consideration whereof all lands held by Subjects are burdened with some services, which differ according to the variety of grant from the King. Hence some tenures expire with life, others go down to our posterity by descent, to whom the law gives *usum fructum*, a right to use, enjoy and make all profits, but they are properly but *mesin*, or *mesne* Lords, as holding of an *over Lord*, or *Lord Paramount*, who is the King.

The Kings supremacy is as strongly proved in that he is our *Leige Lord*, as appears by sundry Statutes; for such an one can acknowledge no superiour, as *Duarenius* shews in comment. *de consuetudin. feudorum. c. 4. num. 3.* And all Subjects are *homines legi*, leige men, and owe faith, and true alleagiance to him as their superiour. The definition of Legiancy is set down in the great customary of Normandy, *Ligeantia est ex qua domino tenentur vassali sui, &c.* Ligeancy is an obligation upon all Subjects to take part with their leige Lord against all men living, to aide and assist with their bodies and mindes, with their advice and power, not to lift up their arms against him, nor to support in any way those who oppose him. The Lord likewise is bound to govern, protect and defend his leige people (so the English are often called in Acts of Parliament) according to the rights, customs, and laws of the Country. If Subjects break their

Leige Lord
bound to
some duties,

but not under
paine of
forfeiture,
as *Leige men*
are.

faith

faith and prove disloyall, their estates and lives are expressly forfeited; and the King is enabled by law (as the fountain of all jurisdiction) to seize upon their goods and lands, and to destroy their persons. If he perform not his duty (for there is a mutual obligation between leige Lord and leige men) yet notwithstanding this failing, neither his Crown or any rights belonging to his Royall dignity are subject to forfeiture. Let them if they can, produce any one law to maintain their assertion. If there had been any, it would not thus long have been concealed, for they are not accustomed to dissemble any advantages by overmuch modesty. Indeed, they have not any shadow of proof or colour or reason for it; and yet upon their bare word how many thousands have hazarded their souls by assisting rebels, which are eternally lost, if they perish in their sinne? What madnesse is it to believe their saying, before their and your own oaths? Is it possible you can innocently destroy your Sovereign, whose life you have sworn to defend with your utmost power? Be not abused by that miserable fallacy drawn from the nature of a Covenant. The mistake lies here, that Law hath provided to bring Subjects offending to a tryall; but hath not, could not question the King, and compell him to be responsible for want of a superiour jurisdiction. All just proceedings must be *per legale iudicium parium, & legem terræ*, by triall of Peers and the Law of the Land. But the King hath no Peer, and *lex terræ* doth not in any case disarme the King of the Sword of Justice; it is not separable from his Crown. Therefore he is exempt from tryal, and it cannot be just to punish him unheard, uncondemned. The conditions of Kings were very miserable, if he who swears to govern the people according to the known Laws, so that they see what to trust to; should himself be liable to their arbitrary Justice.

The

The Premises are firm; for the Major is part of *magna Charta*, and the minor is as evident, as that his Subjects are not greater then he; which signifies only, that those which are under him, are not his superiors. *Bracton* you may remember, is frequent in the expression, *Rex non habet parem in regno*, and he is *tantum sub Deo, &c.* There is besides an ancient Monument which shews the manner of holding a Parliament before the Conquest, which will afford us no small light in this point. It is said to be delivered to *William the Conqueror* by discreet men, at his command, and to have been approved by him; it runs thus, *Rex est caput, principium & finis Parliamenti, & ita non habet parem in suo gradu, &c.* The King is the head, the beginning and the end of the Parliament, and so he hath not any Peer or equal, but is himself the first degree. The second is of Archbishops, Bishops, Abbots and Priors holding by Barony. The third is of Proctors of the Clergy. The fourth is of Earles, Barons and other noble personages. The fifth is of Knights of the Shire. The Sixth degree is of Citizens and Burgeses, and so the whole Parliament is compleated by six degrees. But we must know, that though any of the five degrees besides the King, shall be absent, if they were duly summoned, *Parliamentum nihilominus censetur esse plenum*, the Parliament is full in Law.

The latter part is as manifestly true, that *Lex terra* doth not in any case disarm the King of the sword of Justice. By our constitutions *Regia majestas est armis decorata, and legibus armata*; the directive part of Law concerns the King, the penall doth not; He ought to square his actions according to this rule; but if they should swerve from it, they cannot fall within the cognizance of his Subjects. All offences are punishable as committed against Him, His Crown and Dignity; and though the Law hath condemned them, they are pardonable by his Grace: which clearly demonstrates, He

is above penall Laws; and it is indeed an inseparable priviledge of supream jurisdiction, let it be placed where it will, in one or more persons. Naturally, (supposing men by distance absolved from paternal dominion) that is, before a positive constitution of Empire, when men were equally free, it was not unlawfull to require by strong hand satisfaction for wrong; but after an established Government, this liberty was civilly restrained, and it is not in our power to right our selves but in a legall way, which is by Magistrates; and the last appeal lyes to the highest Governour, that the proceesse may not be infinite, but we may have some certain and peaceable decision of all differences.

To conclude this Section, (for I shall have occasion to enlarge my proofs in the next, in answer to their exceptions) we have sworn to bear true allegiance to the King; (such as have not, are nevertheless strongly obliged by divine Law, and this duty doth naturally flow from the right to govern.) I request all men to examine their consciences how they can excuse themselves from flat perjury, if they indanger his life and endeavour to destroy him. It is expressly high Treason to compass his death, 25. *Edw. 3.* Though God in his great goodnesse hath restrained their malice from effecting it, yet by shooting at him, by attempting to kill him, they are lost temporally, their goods and Cattel, Lands and Tenements, and Lives, are forfeited in Law; and what is most lamentable, their souls are eternally ruined. Disloyalty to their King is disobedience to God. I need not aggravate the sin; the Apostles eloquence is most powerfull, *They that resist, shall resist, shall receive to themselves damnation.* The case is extremely plaine, I am amazed that the people should be so bewitched into Rebellion, contrary to Oaths and Solemn Protestations, and repugnant to Christianity; For they are condemned out of their owne mouthe,

For

unless that grosse nonsense be true, that they shot at him (as at Edge-bill) for His preservation, and endeavour'd to kill him in his own defence. It is miserable comfort which the doubtfull signification of *κρίμα* can afford; but sinking men catch hold of every reed. The word in the Greek is rather to be translated judgement and punishment, (the words following are peremptory) and as Piscator observes, thereby is not meant eternal damnation, but the punishment of the Magistrate in this life: Master Bridge his Answer to Doctor Fern, p. 4. This calls to minde those men of whom *Minutius Felix* saith, they did optare potius quàm credere, rather wish then believe that no such thing as eternal damnation was intended. The Analogy of the place will evince, that this word *κρίμα* is like a sword with two edges, fitted not onely to kill the body but to destroy the soule also. That it threatens punishment from the Magistrate is very true, but not all; you must needs be subject not onely for wrath, but likewise for conscience sake: v. 9. 13. e. to the Romans. You are exhorted not to rebell, because you may be hang'd; but lest confidence in numbers should answer this objection, a stronger motive is used, you shall certainly be damn'd; It is probable, you may take the Gallows in the way, but however Hell will be the end. Though you escape a shamefull death, yet you have forfeited eternal life.

SECT. IV.

I Will begin with a most remarkable passage in *Calvin's Institutions*, wherein are many things worth our observation, and which will conduce much to the decision of the present dispute. *Neque enim si ultio Domini est effrenata dominationis correctio, ideo protinus demandam nobis arbitremur. Quibus nullum aliud quàm pa-*

rendi et potendi datum est mandatum. De privatis hominibus semper loquor. l. 4. cap. 20. Sect. 31. If correcting unbridled governments be his work who said vengeance is mine, we must not therefore take Gods office into our hands; we cannot think to reform the abuses of higher powers is committed to us, to whom is given no other commandment but to obey and suffer. I speak alwayes of private men. This truth clearly delivered speaks the goodness of our cause, and demonstrates the unlawfulness of taking up Arms against the King, though their supposition were true (as it is evidently false) that His Majesty did cast off the bridle of established Laws, whereas He doth hazard His Life and Crown in their defence. The quarrell is, that he doth obstinately maintain our good old customes and constitutions (such as experience hath confirmed happy and beneficial to this Nation) and will not be overawed to make new Laws, such as private interests would force upon Him and the Kingdome.

This is a sure ground for conscience to rely upon, and evidently destructive of most of their popular principles, which have poisoned the affections of the Subjects. It is not lawfull for us to correct ill Governours, because this cannot be effected without resistance, and all private men have direct precept against this; that of obedience and patience. This will speak home to the businesse, when it will after appear, that all inferior Magistrates opposed to the highest, whose Delegates and Ministers they are, are but private men.

In the mean while, we may hence discover the falshood of their principles, viz. That the law of nature will justifie all resistance against injuries, and for our own preservation; that no people is so mad as to contract to their own ruine, (and therefore may resist any Magistrate, if their lives be indangered; the meaning is, if they have offended against known Laws, which will certainly adjudge them to die; the Magistrate shall bring

bring them to legall tryall at his own perill) or to agree to be ill governed; and therefore fiste there is a mutual compact, if Rulers perform not their duty, the compact is dissolved, and they are at liberty to right themselves, and to govern their Governours, and to sling the Pilot overboard, if he willingly steer upon the Rocks, not by way of jurisdiction, but self-preservation. That the King is for the people, and Governours are appointed for the good of those that are governed, and therefore Subjects are the more considerable men, and greater and more honourable then those who are placed over them; they bearing relation of the end, Magistrates but of the means, and so the safety of the people must give Law to the Magistrate, if he will be peevish and protect them according to old Laws, when they fancy greater benefits from Innovation; that *Quicquid efficit tale, est magis tale*; but according to their grounds, private men made all Magistrates, (for before they constituted some form of Regiment by paction and agreements, they were but a multitude of men, amongst whom none had jurisdiction over other) the conclusion is, therefore private men are more Magistrates, and may call even the highest to account, and force him to be resposabl: for what ever they judge abuse of power.

The grounds upon which our seditious writers doe argue, are very contradictory in themselves, and yet all of them conclude for Rebellion.

Some (and I think the greater part) confesse, it is unlawfull for private men to resist the Magistrate, though abusing his Authority. These must needs acknowledge the weaknesse of those arguments (which yet they constantly presse, and which prevaile most upon the peoples affections) that it is a senselesse thing to imagine; we can be obliged to be slaves; in case a King be guided by his Lusts; not Laws, or not to preserve our selves against bloudy Tyrants. For their determination is contrary, that private men for want of

authority to arm them, are bound to suffer. And Calvin is expresse, *lib. 3. c. 10. Sect. 6. Nullum magis preclarum facinus habetur, quam apud philosophos, quam litare tyrannide patriam. Atqui voce celestis arbitri aperte damnatur, qui privatus manum tyranno intulerit.* They maintain therefore, though private men sinne in resisting, yet if countenanced by inferiour Magistrates, then it is not Rebellion, but a just War. These may be clearly convinced, if they will but consider, that inferiour Magistrates are such onely in respect of those who are under their jurisdiction, because to them they represent the King, but in reference to the King they themselves are but Subjects, and can challenge no jurisdiction over him.

Some state it thus; though not private men, nor yet inferiour Magistrates, yet superiour power may bridle the exorbitant lusts of Princes by force of Arms; this we grant, and therefore acknowledge, that in an Aristocracy where the Laws place the supream power in such a body of men, what is done by their authority ought not to be resisted; and if any one man take upon him regall power, contrary to their constitutions, he is a Traytor, and may be cut off. But this concludes nothing in a Monarchy; *Res apud alios acta, aliis non prejudicat*; for their errour is, They make the two Houses the Kings superiours; who themselves disclaim it in words, and seem to aske you, who made them supream Ruler? for all their petitions (which are the acts of them not as *single* men, but as *united* bodies, and considered *unitive*, not *disjunctive*; sociably not severally) carry this truth in the Title, *Your Majesties humble and obedient Subjects, the Lords and Commons in Parliament, &c.* which acknowledges their obligation to be under him; and to say otherwise would be of dangerous consequence; for if they be not His Subjects, they put themselves out of His protection.

Some

SOME again think it too grosse and absurd to maintain, that Subjects in any capacity are above their King, and therefore a *coordination* serves their turn. By which if they mean an equall right in the King and the two Houses of a negative voice, in respect of new Laws to be enacted, or old abrogated; this is granted; but will doe them no service, and indeed it overthrowes their cause. For as the King doth not pretend that he can make use of his power to make new laws without their consent; so by the same reason, neither can they challenge a right of taking away our old Government without the Royal assent. But if they mean by coordination, a division of Sovereignty, this is against the nature of it, and a clear contradict on. So that, if he be our onely Sovereign, there is no such thing as coordination; if they be joynt-Sovereigns, in what a miserable condition are we *English-men*, who should be bound to impossibilities, to obey three Masters commanding contrary things? They might as well challenge us to do homage to them, which is and ought to be performed onely to the King, *cum per id efficiamur hominibus solum illius cui juravimus*, as the Civilians determine; and we cannot be *divorum in solidum*: *h. Sicut cer. Sect. Si datus D. commodati.*

SOME, and those the most desperate mutineers, lay such principles, as will bring in a certain confusion: For they tell us obedience is commanded onely to good Magistrates; if men intrusted to govern according to Law, faile in their duty, they cease to be Magistrates; for these are defined *Dei ministri nobis in bonum*, *The Ministers of God, for the good of the Common-wealth*; so that to destroy such, is to resist the *men* onely, and not the *power*; it is a warre against the *persona* onely, and not the *authority*, which is none, if used against Law; because that doth not enable any to destroy it self; the Law cannot die legally; by power is not meant *Nova-*

μῆς, what they may doe by strength, but ἐξουσία, what they ought to do in right.

This is the most reasonable doctrine, because coherent to it self throughout, but the most seditious doctrine likewise, because it gives a full liberty to the people, not onely a representative body, (and therefore in the diffusive much more, because all the right they can preterid to against the King, is derived from this) but to any part of them, to any private man to resume, (as some expresse it) their power, or as others, to make use of that power which they never parted with to their own inconvenience, and so all necessity of suffering, except when they have deserved it, is taken away, and Christianity is made a tame madness.

To return to Calvin, who following words are much abused (though I must confesse some conceive them craftily laid down by him, in referente to the time and place when and where he lived, and that his designe was to insinuate some small colour in plausible Generals, for that most unjustifiable action of the Citizens of Geneva, who had lately cast off their true Prince, because a Bishop of a contrary religion) after he hath informed us, that God requires all private men to obey or suffer though under Tyrants, he addes, *Nam siqui nunc sint populares magistratus, &c.* If there be at this time any Magistrates appointed by Law in behalf of the people, to restrain the licentiousnesse of Kings, such as were the Ephori, opposed and set over the Lacedæmonian Kings; the Tribunes of the people which curbed the Roman Consuls, and the Demarchi who bridled the Senate at Athens, &c. upon this supposition they not onely may, but ought to reform the abuses of government, and to do right to the poore Commonalty whose guardians they are. This is undeniably true, but impertinent to the present controversie, because the People or Nobles cannot challenge that power in a Monarchy, with which they are invested

invested under an Aristocratical or Democratical regiment, such as *Athens*, *Rome* and *Sparta* were.

It is very observable by the way, that by reason the supream power was placed in the *Lacedæmonian* Ephori, and *Roman* Tribunes, &c. their office made their persons sacred and inviolable. They did justly challenge the same impunity, which we maintain, belongs to Kings in a Monarchy; for I argue not from the name, (for though the Duke of *Venice* were called King, it would not enlarge his authority, and the *Spartan* Kings had onely a Royall title, but were truly Subjects, as we learn from *Plutarch* and *Polybius*) but from the nature of that power wherewith the constitutions of a Realm do invest one person. Hence appears the unreasonableness of their seditious invectives founded upon some inconveniences, because power will probably be sooner abused, if any person may doe what he will, and not be responsible for his injustice. These kinde of Declamations, with which their Presses and Pulpits labour, strike equally at all government. For there is a necessity we should lie open to some possible evils from the abuse of authority, or else we cannot provide for greater and certain goods of common peace and publique tranquillity. It is no prudence to cure the mis-carriages of government by a legall confusion, since even the worst government is lesse miserable then Anarchy.

I believe, I can make a full discovery of those wicked Arts, whereby crafty men have opened a way to the advancement of their covetous and ambitious designs at the price of publique calamity. *Tib. Gracchus* was excellently learned in those damnable politiques; and I desire all indifferent men to judge whether the unhappy disturbers of *England* have not exactly managed the miseries of this Kingdome according to his principles. He proposed some Laws, which might well become a reall lover of his Country, but his violence in

Gracchus
his seditious
practises,
their patern.

the illegall establishment of them; which did evidently tend to confusion, did make it apparent, that publique pretences were taken up in order to the satisfaction of private lusts. *Marcus Octavius*, as his fellow Tribune, had the right of a Negative Voice; for if one Tribune dissented, no Ordinance could be made which ought to have the power of Law. He not able to effect his ends, informs the people that this opposition between their equall authorities did threaten civill warre, and therefore it would concern them as they loved their own safety, which was the supreme Law, to decide this difference, by recalling that power which they had bestowed, to the end they might receive benefit therefrom; but which was now abused contrary to a trust reposed, to their prejudice. The issue was, he prevailed with them to depose *Octavius*, and he made them substitute a mean person, one of his dependants. But being sensible afterwards, that amongst all his illegall Acts, this gave most distaste, not onely to the Nobility and Gentry who were indued with clearer understandings; but even to the slowly-apprehending Commons, and that it proceeded from lawlesse passion to debase the highest dignity of Tribune of the people, and expose that sacred function to scorn and contempt, which ever before was justly esteemed inviolable, and such as secured the persons from being touched, he brings these colours to excuse that most unpresideded action.

The Authority of Tribunes is truly sacred and inviolable, but for no other cause then as particularly devoted to protect the people, and established to advance their welfare: If therefore a person thus highly entrusted, failes in performance of duty, suffers the people for whom he serves, to be oppressed, and endeavours to abridge their power, and denies to them the means of expressing their will and pleasure by his vote; (for he is but their mouth, enabled by them to declare their meaning.) In this case he forfeits all Priviledges and Privogatives due to his Office, because he thwarts

thwarts those very ends which first moved the people to bestow upon him such large pre-eminences: for if otherwise we must be bound to sit still, while he pulls down the Capitol, or sets the Navy on fire, and notwithstanding any violences, or whatever exorbitancies of his words and wildest passions, tamely to obey him as our Tribune, that is such an one who by virtue of our trust for the improvement of our safety, usurps a right to cut our throats, and is our servant to destroy us; Certainly if he endeavour to stop that breath which created him, and to overthrow the undervind authority of the people, he is no longer their Tribune. Is it not a most unreasonable thing, that a Tribune may imprison the Consul; if it conduce to the preservation of the State, because in that the peoples safety is concerned; and yet that the people cannot depose him in their own defence, and resume their power when employed to their ruine? For as the Consul; so the Tribune likewise is the peoples creature; they live and move, and have their being in their election. Again, Regall dignity (in which the powers of all other Magistrates of what degree or rank soever, were united and made up a personal Sovereignty) was declared sacred and holy by the most solemn and most religious Ceremonies, as approaching nearer to, and partaking much of Divinity: neverthelſſe people expell'd Tarquin, abusing his Royall power, and some personal faults were thought a sufficient reason to take away the most ancient Magistracy, and that which founded Rome itself. There are not in this City any persons more holy, more venerable, then those pure virgins, the Vestall virgins, whose charge it is to preserve the eternall fire. But if they stain their honour, our Law buries them alive: They cannot challenge any priviledges belonging to their sacred employment, because when they cease to respect the Gods, we no longer owe a reverence to them, which is paid onely in order to their service of the Gods. Can it then be reasonable to suffer the peoples enemy, to enjoy the priviledges due to their Protector? He would cut off those hands which hold him up. If the consent of the
major

major part could make him Tribune, shall not the same power which did constitute, be equally strong to dissolve? and much more can a greater power depose him, the concurrence even of the whole people declaring him unworthy. What is more holy, what less to be violated, then things offered up and consecrated to the Gods? And yet no man dares forbid the people to make use of these, or to remove them from one place to another, as oft as they shall judge it convenient so to do. By the same reason, without dishonor to the Authority, they may discharge the person, and choose out a better habitation for that sacred office. That the Magistrate is separable from the man, is evident, because many, when made by the people, out of a love to a retired life, or a sense of their infirmities, and unsuitness to manage the publick, have deposed themselves; others have intreated the people to choose more able servants. Plutarchus, in the life of Tiberius, and Cajus Gracchus.

It is needless to make the application. Observe the event; This illegal deed (which was justified only by a pretended necessity, for I know not what imminent dangers did threaten the Commonwealth, except this Bill did pass) being ventured on by the unconsidering multitude to avoid Civil War, proved the ready means to kindle it. The flames of which suddainly consumed the Author, with many of his adherents. For as soon as Nasicus managed Gracchus his seditious principles, that he killed him with his own weapons. For taking advantage of the many discontents, he requires the Consul to aid the publick safety, by destroying him who had usurped a tyrannical power. The Consul replies with much moderation, justice and prudence, It did not become him to make force the measure of right; nor could he kill a common Citizen, before he were brought to a legal trial, and condemnation had past upon him. But he promises, if the people either seduced or awed by Tiberius, should Vote any Ordinance contrary to established Laws, he would

would esteem it of no force, and would not yield to the observance of it. *Nasica* rises up in a rage, and gives the word to the Tumult; Since then the chief Magistrate neglects the common safety, we must not be wanting to our own preservation; such as will maintain the reverence due to lawful authority, follow me. In this mutiny *Tiberius* falls a sacrifice to the publick peace. — Stones and Staves were the onely weapons by which this popular man, and above three hundred of his companions were destroyed. The behaviour of *Blossius* a great Incendiary, and an over active instrument to advance wicked designs, is very remarkable. He being arraigned before the Consuls, confesses freely, he had executed what ever *Tiberius* had commanded him. *Nasica* asks him, what he would have done if he had been commanded to fire the Capitol? He replies, *Tiberius* would not have commanded such a thing; others press hard upon him to tell his resolution, in case *Tiberius* should have commanded it; He plainly tells them, He had then done it, being confident *Tiberius* would not have commanded it, except it were for the good of the people. The parallel will be defective, if there have not been unhappy instruments, who captivising their sense to an implicate faith, and believing not what themselves feel, but what others Vote; are active in their own ruin in pursuance of safety, and pull upon themselves misery and destruction in obedience to those Ordinances, which tell them the Subjects happiness is thereby advanced.

There are other circumstances fit to be taken notice of. He had provoked so many, he did not dare to be a private man again (not any personal ambition, but onely State jealousy would not permit him to lay down his power) and therefore he so contrives his business, that the people may choose him Tribune the following year, not so much to satisfy any private desire (for he would seem to rule onely in obedience to their commands) as

to provide for their good in his own safety. The way to this end was to court the Commons by all popular Arts. He propounded new Edicts, by which the time of military service was shortned; and some years were cut off from the prefixed number, in which Roman Citizens were bound, when called upon to perform the duties of War. He made it lawful to appeal from any sentence to the judgement of the people. To the Senate (in whom onely before the authority to administer justice did reside) he joyned an equal number of the inferior Commons, so that a major part of them, with a minor part of Senators, if they made the major part of the whole, did sway all busineses. Thus, saith *Plutarch*, by all possible ways, lessening and weakening the authority of the Senate, by creating greater power in the people, rather out of wilfulness and obstinacy, then sound reason, which must needs perceive, it was void of all Justice, and very disadvantageous to the publike interest: He had some other little Arts which stood him in good stead; when the Votes of the people were to be numbred to authorize his Edicts, if he perceived his adversaries would prevail in number, because some of his party were absent, he would take some opportunity to pick a quarrel with his fellows, onely to divert the business for the present, and gain time; and if that would not do, he would dismiss the assembly, and command another meeting. Then would he appear first upon the place in mourning apparel, and with afflicted looks, and humble countenance, sadly requesting the people to take compassion on him, who suffered such miserable things, and feared worse onely for doing them service; and desiring them to reward his faithful endeavor by loving his poor Wife and little Children; for he gave himself for a lost man, since he had reason to fear (yet the cause in which he should fall was an unspeakable comfort) that the enemies of the Commonwealth, and such as maligned their hap-
piness,

sins, would come upon him in the night, and force his house, and murder him. These well dissembled griefs so wrought their passions, that the abused Citizens set up Tents about his house at their own charges, and maintained a constant Guard for his protection.

When such men shall make a State miserable, under pretence of improving its happiness, and challenge to themselves a right to break all settled constitutions, under colour of forcing upon the Kingdom new Laws, which will be more beneficial; when they shall imprison us at pleasure, that we may enjoy our liberties, and take away our goods to secure our property, and punish the most orthodox, conscientious, and painful Preachers, and impose upon Congregations seditious Lecturers to settle true Religion; and when they have acted such high mischiefs, shall tell us, the Nobility and Gentry of the Kingdom are Malignants, and delight in, and contribute their aids to advance an illegal government, who are certain to suffer most in it, it is time to cry out,

Quis tuleris Græcos de seditione querentes?

I have been tempted to a large digression, because the same Arts which made Rome miserable, are visible in our calamities. I will now proceed with Calvin; after he hath very conscientiously instructed us in our Christian duty, by saying all resistance is unlawful unless undertaken by the authority of Magistrates, whom the Law enables to be the peoples protectors, and gives them the highest power (which can only be in an Aristocracy or popular State) he hath afforded too great an occasion for mistake by an ungrounded conjecture. *Et quā etiam sorte potestate, ut nunc res habent, funguntur in singulis regnis tres ordines, quum primarios conventus peragunt.* And the same power (which the Tribunes of Rome,

Rome, &c. bad) as things now stand; peradventure be-
long to the three Estates, when they hold their principal
assemblies; I could wish, I were able to excuse him
from temporizing; yet he lays it down extream cun-
ningly, perhaps, peradventure; if this chance to be o-
therwise, you have nothing to say for your selves; you
are condemned out of his mouth, and in a point of such
highly concerning consequences, you have no reason to
change his adverb of doubting into an assertive. I
shall oppose to his perhaps, it is certainly not so in
England, because our Laws make this a Monarchical
government, and so different from that of Rome, or
Athens, or Sparta, and therefore conscience hath no
warrant of resistance against him in whom the supream
power is placed.

The work of the second Section, was to prove it un-
lawful for Subjects to resist him or them, in whom the
supream authority, that is, all the legal power of the
Kingdom in order to raise arms is placed. I shall now
shew the invalidity of their exceptions against it, by
manifesting, that no dispensation grounded upon what
causes soever, as endeavors to make them slaves or beg-
gars, or to introduce another and a false Religion, and
what else may be comprehended under the extream abuse
of this power to their oppression; or upon any per-
sons, as inferior magistrates, or any colour of prefer-
ring the authority of the man, by fighting; and as
much as in them lies, destroying the man in authority;
or of making the power well used for the good of the
people, and not the person abusing that power, to be
the minister of God, &c. can excuse such resistance
from the sin of Rebellion, and from *Θεομαχία* a
fighting against God in despising his ordinance.

Tyranny doth
not dispense
with the
Subjects duty
of allegiance

Tyrannicall abuse of Power doth not make taking up arms
against the supream Governour lawfull.

This truth is confess in words even by their chief
Writers, though in the mean while, they make use of
such

such arguments to prevaile on the peoples affections (and exhort them against the King in the feare of God) as clearly overthrow this acknowledgement. The *fuller answer to Doctor Fern* saith thus, *There are two kindes of tyranny, regiminis and usurpationis; that of government, though never so heavy, yet must be indured not onely to the good, (sayes the Apostle 1. Pet. 2. 18.) but the froward too, and therefore I know no man that defends the ten tribes revolt from Rehoboham. p. 22.* when they complained of some grievances under which they had groaned in his fathers reign, he was as indiscreet, as unjust, and told them, he would oppresse them more, and yet because he had *ius regiminis*, it is ingenuously granted, it was unlawfull for them to Rebell.

The *brief answer to Doctor Fern*, thus, we professe against resisting power, authority, though abused. He doth not hide himself (as ordinarily) by dividing the power from the Person, who is invested therewith, but concludes against resisting the men also. *If those who have power to make laws, shall make sinfull laws, (that is, prove tyrants) and so give authority to force obedience, we say here, there must be either flying or passive obedience, p. 113.* By the same reason, if he that hath onely power by laws already made, to train, array, and muster, and to dispose of the Militia, with which he is intrusted for his Subjects protection and his own safety, should put them into hands, which they cannot confide in, yet there must be no war waged to prevent a supposed danger; there must be either flying or passive obedience.

But if one that is in authority command out of his own will, and not by law, I resist no power, no authority at all, if I neither actively nor passively obey; no, I do not resist so much as abused authority. If you mean by not passively obey, take up armes, against which (you must, if you speak pertinently, and would make an application of this answer, to the justification of hostile resistance in Subjects) you do resist power and authority in this case.

For

For though you are no obliged to yeild obedience, either contrary to divine precept, or the known laws of the realm; yet by making use of arms, you transgress that law, which disables Subjects to make war without the Princes authority, much more against his expresse command, to the manifest indangering of his royall person. He answers, *this had been but accidentall* p. 121. and so we are told by others, *he might have stoyed away.* Those damn'd assassins and bloody villaines, by whose hands the two French Henries fell, might have made the same plea for their execrable murders. If they had not come in their way, which they might have avoided by locking themselves up, or by some other means, they had not been killed by them. But he implies, *a desire and beseeching him not to be there, but to withdraw himself.* If the King had as full right to be there, as in any other place within his Kingdome, they may with the same reason justifie the Murder of him, if he will not be intreated to keep such company onely as they shall allot to him, or to leave his Court, or creep into an Oven.

The Authour extreamly contradicts this duty, before professed in the name of all, of flying or passive obedience, and layes down a most desperate conclusion, which dissolves all government and make Anarchy legall. Upon supposal that Parliaments (taken in the onely true sense for King, Lords and Commons) should degenerate and grow tyranicall; *I confesse (saith he) the condition of such a State would be very dangerous and like to come to confusion; particular men could not help themselves, and the whole State (mark how he fancies a whole State, when opposed to King and Lords, and all the Commons representatively; what can this State be, but such a number of particular men, who, he saith, cannot help themselves?) ought to suffer much before it should help it self by any wayes of resisting; but if you can suppose a Parliament so farre to degenerate; as they should all conspire together (all in Law are the major part of both*

both Houses with the Royall assent) *with the King, to destroy the Kingdome* (how unreasonably he expresses a supposall of being wonne to satisfie private Interests by making prejudicial laws to the Subject in general; let him translate the scene into Ireland, and he may think the supposition very possible) *and to possess the lands and riches of the Kingdome themselves* (not all, but in an unequitable proportion) *in this case whether a law of nature would not allow of standing up to defend our selves, yea, to reassume the power given to them* (this is a clear confession, they parted with their power) *to discharge them of that power they had; and set up some other; I leave to the light of nature to judge.*

But you will say, *This cannot be, because the higher powers must not be resisted by any.*

Object.

This is not properly to resist the power, but to discharge the power; to set the power elsewhere. They daily improve their principles, and now profess plainly, what understanding men did before collect from their grounds, that it is lawful not onely to depose a King, but even the Parliament. He is very apprehensive, he hath spoken out (and it is very strange the Committee should order this doctrine to be published). I know, says he, this will be cry'd out of, as of dangerous consequence; wherefore God deliver us (as I hope he will) for ever making use of such a principle, Pag. 133,

Ans.

134.

They confess generally, they are bound to defend the Kings person (and if they should say otherwise, we have their oaths and solemn protestations against their words) witness the 23. day of October (which may require an Annual gratitude for the great deliverance both of Church and State in the preservation of His Majesty) whether they did according to the information of their own consciences. All the answer I can meet with carries this sense, which I will express in Mr. Burroughs his words; *As for the Kings person, Is it not*

H

the

not the profession of the Parliament to defend it? Pag. 111. and again, why doth the Doctor speak of stretching forth the hand against the Lords Anointed? who endeavors it? doth not the Parliament profess the defence of the Kings person? Pag. 120. Hence it appears, they know their duty, the question is, whether they performed it, who directed their Canon more especially against His sacred Majesty; which they cannot esteem an accidental thing, who are not ignorant of that treacherous advertisement which *Blague* gave in to the Earl of *Essex*, in what part of the battel the King and Prince were, that they might at one blow cut off our present happiness and future hopes. I desire only, that their ears would not hang in their eyes, and that men would not believe authority against sense. I shall onely say, most miserable is he, who condemneth himself in that thing, which he allows and practises.

Tyrant is opposed to King, and they are incompatible.

Exc.

Ans.

If they understand *tyrant* under this notion, as an *usurper*, this is very true, but nothing pertinent, for there is not any just scruple, but those may be turned out by force according to law, who come in by force against Law; as in the case of *Athalia*, destroyed by *Jebojada*, whereby *Joash*, who had true title, was established in the throne. But if they mean (as they do, if they would conclude for themselves) a King having right to govern, and proving a wicked or weak Prince, it is false that this *Tyrannus cum titulo*, the Lords Anointed, though he abuse that power (for *Christus domini*, this holy oyl onely excludes usurpation, and includes a just title onely, and not either the Orthodox Religion, or goodneis, or prudence) is opposed simply to a King, but to a just or wise King. As therefore his right to the Crown, is not founded in his divine or moral virtues, but in a lawful succession; so nei-

their can contrary vices dispense with any to dispose him, lift up their arms against him.

This will be evident, if we consider what kinde of Prince he was, to whom Saint Paul, writing to the Romans, forbade resistance for conscience sake. It was Nero, in whom very happily this position might be enforced to the height, and yet all their exceptions are determined invalid. Norwithstanding his Idolatry, his oppressing his Subjects by strange cruelties, and persecuting the Saints.

*Quæ divisa tyrannum
Efficiens, collata tenens*

Yet the Apostle commands not to resist even him upon pain of damnation. Our (or rather Saint Paul's) adversaries seem to object, *durus hic sermo*, this is a hard saying. The Law of Nature allows self preservation; the people made Nero Emperor by their consent (for usurpation can give no right) and therefore are more powerful then he, for *Quicquid efficit tale, est magis tale*. The people may be without the Emperor, the Emperor cannot be without the people: It is not probable the safety of mankind should depend upon the lust of one man, &c. I shall answer with the Civilian, who teacheth us to obey and not dispute even humane constitutions, *Quod quidem perquam durum est: sed ita lex scripta est. L. propexit. D. qui & a quib.* It was Gods pleasure so to order humane affairs. Such Christian submission both most commonly produces peace and plenty in our streets, and is the mother of many goods, but if the abuse of power should bring evils upon us, they cannot be so great, so general as civil war would create. But suppose we suffer more in a corrupt peace, then amidst such unnatural distractions as this miserable Country now bleedeth under: yet we ought never to be tempted to impatience, but should rather re-

H 2

joyce,

joyce; that God hath enabled us to stand out his fiery tryal; such afflictions if rightly understood, are blessings; and though we are not bound to pray for them, yet we ought to give thanks. Bad Rulers (if we do not imitate, whom we condemn, and neglect our duty, because they perform not theirs) are but unhappy instruments of our greater glory. If we did deeply consider the fruits of our patience, we should certainly pity, and perhaps love our oppressors, as the unfortunate occasion of our higher bliss.

The Christians under *Julian* were very sensible of this duty, and confest themselves bound to obey him in all lawful things, and they did accordingly fight his battails; but when a greater then he did interpose, *cesabat potestas minoris*, they chose to serve God in the first place, and redeemed their not obedience to him, by offering up their bodies willing sacrifices. For they wanted no numbers sufficient, as appears by the Armies electing *Jovianus* a Christian to succeed him in the Empire, with this acclamation, *Christiani sumus!* If resistance were lawful in any case, never men could have brought fairer pleas. *Julian* was an Apostate from the established true Religion; he dealt with Sorcerers and Magicians, and professed against doing justice to the Christians, making sport with their injuries, and returning no other answer to their tears, and humble Petitions but such scoffe as these; It is part of your Religion to be abused: you forget the *Galileans* precept: Why do you not rather suffer wrongs? you must forgive all offences against you, as you hope to be forgiven; if they strike you on one cheek, you are bound to turn the other also; if they take away your cloaks, that gives them a just title to your coats also, if at least he whom you worship have power to dispose of your goods, you are bound from going to Law, and sending evil for evil: why do you petition against, who are bound to pray for your Persecutors? If they take away
your

your revenues, they advance you into the state of perfection, which requires, you should not possess any thing &c.

They were more persecuted by his wit then his cruelty, and yet though he did even wanton in their miseries, his barbarous usage could not prevail with them to neglect their calling; but they committed themselves to him who judgeth righteously, and he revenged their causeless sufferings in his destruction; for as stricken from Heaven, he cryed out, *O Galilean, thou hast got the better* 2.

It is as hard a matter to perswade men to obey, or suffer under bad Princes, as it is to make them (the same in practice which they are in profession) true Christians. For they are very apt to corrupt the plain Text with false glosses, as oft as religion runs cross to civill interests. Their strong desire it should be false supplies the defect of arguments, which could not be able to stand against manifest truth, if affections had not a more powerfull influence upon humane actions, then reason. I shall therefore labour to prove what they are so unwilling to believe, and I will lay down the conclusion in Calvins own words, (whom they cannot except to as a Royalist) *In homine deterrimo, honoris, omni indignissima penes quem modo sit publica potestas, praeclaram illam & divinam potestatem residere, quam Deus justitia ac judicii sui ministeria verbo suo detulit. Proinde à subditis eadem in reverentia & dignatione habendum, quantum ad publicam obedientiam attinet, quod optimum regem, si daretur, habituri essent.* Let his vices be never so many, so great, and his merits small or none, yet by reason of his office we must esteem his person sacred; God doth shed upon him the rays of Divinity, by constituting him his Minister: wherefore his Subjects should look upon him with the same reverence and awe as they would upon the best King. Instit. l. 4. c. 20. Sect. 25.

The Heathens went far, *Veni expetendas bonas principes qualescunque tolerandas*; But Christianity goes higher, we may pray for the best, but we must not only suffer, but yeeld chearful and hearty obedience to the worst. If any doubt arise, let them consider the divine providence so frequently mentioned in the Scriptures, and his especiall disposing Kingdomes. The Kings heart is in the hand of the Lord as the rivers of water, he turneth it whether soever he will: Proverb. 21.1. and Dan. 2. 21. He changeth the times and the seasons; He removeth Kings and setteth up Kings, &c. There is a place in Jeremy very opposite. I have made the earth, the man and beast that are upon the ground by my great power, and by my outstretched arme, and have given it unto whom it seemed meet unto me, and now have I given all these lands into the hands of Nebuchadnezzar the King of Babylon my servant &c. and the Nation which will not put their neck under the yack of Babylon, that Nation will I punish: (saith the Lord) with the sword, and with famine, and with the pestilence, untill I have consumed them by his hand. Therefore hearken not ye to your Prophets, nor to your Diviners, nor to your Dreamers, which speak unto you, saying, ye shall not serve the King of Babylon: for they prophesy a lye unto you that you should perish, chap. 27. He was a fierce Tyrant, and yet obedience was joyned by God; because he had a right to govern them. I have enlarged my self upon that of Samuel, *Hoc jus erit Regis*, this shall be the right of the King who shall reign over you; and it amounted to this, to destroy their liberties and property. Calvín draws this conclusion from it; Kings could not do so according to right, because the Law was against it; which instructed them in their duty to govern justly, but it was called jus in populum, a right over the people, to which they must needs be subject; nor was it lawfull for them to resist. l. cit. Sect. 26.

It is a frivolous objection (saith he) that this precept concerned only the Israelites; because the command is general

neither; and obligeth all not to resist him to whom the Kingdom of right appertaineth. The Counsell hence inferred, is very good, let not us therefore break our duty, because Kings performe not theirs. If we live under a bloody Prince, or covetous, or intemperate, or weak, or one that persecutes the most godly professors, let us call to minde our own sins, which have deserved greater castigations: Let us think it is Gods sword of justice, though man commit murder with it. If we have deserved to dy and the Law passe sentence upon us, we ought not to be impatient, though we be cut off by a wicked executioner.

Many examples are alleadged out of the old Testament, *Exc.* to colour this breach of duty,

We have plain precept not to resist, and must conform our actions to known rules, not the practice of others. *Ans.* For instance, who can lift up their hands against the Lords Anointed and be guiltlesse? this employs a command not to rebell. Let every soul be subject to the higher powers. He that resists the power, resists the ordinance of God. Submit your selves to every ordinance of man for the Lords sake, whether it be to the King as supreme, or unto Governours as unto these who are sent by him. *Legibus vivendum est non exemplis.* Examples can onely shew what was done, not what ought to be done.

To answer briefly, the examples by them produced are either *impertinent*, as being acted upon Usurpers; or *not to be drawn into a rule*, because extraordinarily allowed by God, who may dispense with his own law (but this cannot warrant our imitation, no more then the Israelites robbing the Egyptians can licence *Plundering*, or any other illegall *weatching the wicked*, or *Jacob* lying to the Father, can excuse want of sincerity and truth, when by false reports, they may probably undoe their brethren; or *Jails* breaking trust in murdering *Sisters*, can dispence with killing enemies, after compa-

sion made to save their lives) or lastly they were unjust. To runn over the particulars, would be more tedious then profitable, because they are all clearly solved by applying one of these three: They are *impertinent*, or *extraordinary*, or *wicked*.

Secondly, If we should grant that it were lawfull for the Jews to resist Tyrants in their own defence, this comes not home to us, who are called as Saint Peter says, to bear the Crosse, and to follow Christs example. When we are in danger of being killed for our religion, all that is allowed to us, is, only to fly from one City to another. We may better submit to so high a degree of patience; in consideration our well being is not provided for in this world, and despise death, because the joys of eternall life are so plainly set before us in the Gospell, whereas under the Law they were entertained with promises of temporall blessings, and it must needs go to their hearts to loose the proposed reward of keeping the Law, length of days, by their due observance of it, and this upon a suspicion of a better life, rather then a confidence groundd upon any plain promise.

I have formerly shewed the practice of the primitive Christians, which was so apparent, that not having so much impudence as to deny it; nevertheless they have invented severall exceptions to it, which take of the glory of their innocence. I have beaten them out of their strongest fort, which was this, *decreas wores*, They had a good will to rebell, but wanted power only.

2 Exc.

The Christians were but private men, and for that reason could not lawfully resist, but if they had been countenanced with the authority of the Senate, questionlesse they would not have submitted themselves so tamely to the slaughter.

3 Exc.

First, These men who grant thus much are bound in conscience to answer their own arguments, drawn from the

the law of nature, which they tell us allows self defence though with the Magistrates destruction, and taken from the chief topique of their invectives, that no body did contract to be ill governed, much lesse to be ruined, and therefore no obligation can ly upon them not to preserve themselves. But these and such like reasons are evidently confuted by all those Texts which binds us to suffer though wrongfully, as we have Christ for an example, &c. Those holy men, who submitted their bodies to the flames, look't upon martyrdom, not as a thing of choice, but of duty. They might have pleaded the law of nature, and the injustice of their persecutors, whose office was to be a terror to the evill, and to countenance doing that which is good; but such sophistry could not prevail upon religion, which had bound up their hands from revenging themselves upon private men, and much lesse upon the Magistrate.

Secondly, That the Senate had no authority to wage War against their Emperour, will be evinced from Rom. 13. 1. and 1 Pet. 2. 13. 14. applied to the civil constitutions of the Roman Empire. Submit to the King as supreme, that is, to the Roman Emperour, saith Diodata, c. all' imperator Romano, detto tal, volta Re dalle natione stranieri. *sulpian* acquaints us, there was not any legall power but in him, what he determines hath the force of law, he adds the reason, because the people in whom the Senate are included, by the *lex regia* gave unto him the right to manange all their power. *ut pote cum lege Regia, que de imperio eius lata est, populus ei et in eum*, which signifies in se, (saith *Theophilus*) *omne suum imperium et potestatem conferat. l. quod princ. D. de constit. princ.* *Justinian* clearly decides the case; if the Emperour shall take any cause in his cognizance, *omnes amio iudices*, let all judges whatsoever know, that this sentence is law to all effects, not only in the particular cause, but it becomes a rule to decide all like cases by.

For

For what is greater, what more Sacred then the imperiall Majesty? or who is so insolent, *ut regalem sensum contemnant*? The sence even of the Senate was not to stand in competition with Royal constitutions. *l. si imperial. D. de legib.*

We may fity observe, that some Emperours did by Acts of grace limit their legislative power, which was solely in them, and binde themselves from the use of it, without the advice of the Senate, as is to be seen, *l. humanum. Cod. legib.* and may be collected from *Auth. Habita quidem. C. ne fili.* and divers other constitutions; yet this gave no power to the people, to be employed against them, if they should not performe their duty. This grant made the Roman Emperour like the Kingdome of England (for we have a clear and full testimony from our Common Law, that the legislative power is only in the King, though the use of it be restrained to the consent of the Lords and Commons in Parliament, *le Roy fait les loix avec le consens du Seigneur & Communs, & non pas les Seigneurs & Communs avec le consent du Roy.* The King makes Laws with the consent of the Lords and Commons, and not the Lords and Commons with the consent of the King) or that which Virgil describes.

— *gaudet regno Trojanius Aeneas,*
Indicij, forum, & Patribus dat pota vocari.

It is the most unreasonable thing that ever was fancied, that Subjects assembled, should have greater authority then their King, without whose call they could not have met together, and at whose pleasure they are dissolved in Law, and bound to depart to their own homes.

The *Assaoulter* doth pitifully intangle himself with this objection, and first he tells us, he is confident *Trojanus* did not speak the truth, when he imputes their patience

patience to the power of godlinesse which prohibited resistance, and not their want of force to withstand; He might as easily have given the ly to Cyprus to the Ecclesiasticall writers, who relate the story of the Theban Legion, and acquaint us that the greatest part of Julians army against the Persians consisted of Christians. But supposing as he had good reason, this bold denial would not give satisfaction, it not being likely his credit should go farther then the records and evidences of Holy Fathers and Church story, after severall fruitlesse essayes to solve it, he pitches at last upon this, That honest liberty was hid from them for some speciall ends, which since God hath revealed to this latter age, and therefore he gave to them an extraordinary spirit of patience and courage, which is inconvenient for these days wheerein God hath afforded a more plentiful light, and shews us our liberty and that there is no necessity of being Martyrs. It is now the wickedes turn to suffer. I will set down his words at large, for they are so strange, sober men might doubt the faith of a relater.

Certain it is, That the frame and tenor of Gods after dispensations did require, that such a liberty should be hid from them; or at least, that they should not make use of it; as on the contrary, the nature and purpose of those dispensations which God hath now in hand, requires that this liberty should be manifested, and known unto Christians. we know, that according to the counsel and foreknowledge of God, Antichrist was then to come into the world: as now we know that he is about to be destroyed, and cast out of the world. Now this is a general rule, look what truths were necessary to be shut up, and concealed from the Churches of Christ, that Antichrist might passe by, and get up into his throne; the discovery and letting out of the same into the world, are necessary for his pulling down, &c. But God causing it shall sleep (as it were) to fall upon those truths, which should in speciall manner have opposed him.

him, he had the opportunity without much contradiction or noise to steal and convey himself into that cathedral pestilence, that chair of Papal state, which yet he possesseth. Now amongst many other truths which were of necessity to be laid asleep, for the passing of this beast into his great power and authority, and for the maintaining and safeguarding of him in the possession hereof, this is one of special consideration; That Christians may lawfully in a lawful way, stand up to defend themselves, in case they be able against any unlawful assaults; by what assailants, or by what pretended authority soever made upon them. For had this opinion been timely enough, and substantially taught in the Church, it would certainly have caused an abortion in Antichrist's birth, and so have disappointed the Devil of his first born. Had not the spirits, and judgements, and consciences of men been as it were cowed and murtherously imbrued and kept under (and so prepared for Antichrist's lure) by doctrines and tenets, excessively advancing the power of superiors, over inferiors, and binding Iron yokes and heavy burdens upon those that were in subjection, doubtless they would never have bowed down their backs so low, as to let such a beast over them; they would never have resigned up their judgements and consciences into the hands of such a spiritual Tyrant as he. So that you see, there was a special necessity for the letting of Antichrist into the world, you and for the continuance of him in his throne, that no such opinion as this which we speak of, whether truth or untruth, should be taught and believed. I mean, which implicateth and maintaineth the just rights and liberties, and privileges of those that live under authority and subjection unto others. Whereas, now on the contrary, that time of Gods providential and purpose, for the downfall of Antichrist, drawing near, there is a kind of necessity, that those truths which have slept for many years, should now be awakened, and particularly that God should reveal and discover unto his faithful Ministers, and other his servants, the just bounds

bounds and limits of authority and power, and consequently the just and full extent of the lawful liberties of those that live in subjection. Evident it is that they are the commonality of Christians, I mean Christians of ordinary rank and quality that shall be most active, and have the principal hand in executing the judgements of God upon the whore. Consider that place, Rev. 18. 4, 5, 6. Now that this service shall be performed unto God by them (Christians I mean of under rank and quality), contrary to the will, desires, or commands of those Kings and Princes under whom they live, it appears by that which immediately follows, v. 9. pag. 30. 31, 32. The peremptory conclusion of all is, that the lawfulness of Rebellion is now discovered to Gods Church as the necessary means to ruin Antichrist; for the Kings will never be persuaded to effect this great and holy work, and therefore the People must.

Whereas the Text saith expressly, That the ten Kings shall hate the whore, and shall make her desolate and naked, and shall eat her flesh, and burn her with fire. For God hath put in their hearts to fulfill his will, Rev. 17. 16, 17. Least the people should be frightened by this (as they justly ought) from making rebellious attempts against lawful authority, because that in Gods good time he will arm them, and fight joyntly the Lords battail against the Beast, he labors to remove this scruple. I conceive, saith he, this is not meant of the persons of Kings, but of their States and Kingdoms (id est) of the generality of the people under them. Master Goodwin, Pag. 32. The King shall hate the Beast, that is, the people shall hate their Kings, and Religiously Rebel against them in order to the destruction of Antichrist.

The same Doctrine is delivered by Master Burroughs. There is a necessity that in these times peoples consciences should be further satisfied in their liberties then formerly, because the time is (we hope) at hand for the pulling down
of

of Antichrist; and we find by Scripture this work at first will be by the people, Rev. 18. pag. 144. and for a close, pag. 145. Surely the right knowledge of these liberties God hath given the people, will much help forward the great thing God hath to do in this latter age.

I must confess, my heart is filled with sorrow, when I consider how far the Reformed Religion is degenerated; which can be no longer pure then it continues peaceable. But alas! it is become the mother and nurse of Rebellion; it fomented sedition; and advances the ruine of States. What a sad thing is it that factious Preachers should so far bewitch the people by strong delusions, as to prevail with them to neglect plain duties of subjection and obedience upon the strength of obscure prophecies? whereas they ought to live according to precept, not predictions; many of which shall not be fulfilled but by the sins of wicked men: Bless me O Lord from being an instrument to bring such thy works to pass. It is our onely safe way, not to do evil that good may come of it. The Apostle forbids it, and the reason may be this, God hath no need of the sinful man. Why should thou cease to be good, for fear God else would not be true? *Babylon* will certainly fall, though we walk uprightly; to fear God and honor the King, are no stops to the destruction of that man of sin. After such fiery spirits have engaged the Kingdom into probable ways of utter ruine and desolation; after your hands have been imbrued in the blood of the ancient Nobility, and you have miserably torn in pieces the brave and honest Gentry, and exposed the seduced Commons to those fatal mischiefs, which accompany the Sword, Pestilence, and Famine, and the bleeding State shall at length grow wise, and unite again for the preservation (if it be possible) of the ruinous remainder, rather out of a weariness of the insupportable calamities of war, then out of a Christi-

an love, which would have continued unto us the blessings of peace; all the satisfaction which these false Prophets can give, for the unspeakable mischiefs which they have pull'd upon their unhappy Countrey, will be onely this; *We were mistaken in those places of Daniel and the Revelation; The time, it seems, is not yet come, The Saints must still expect, and Gods holy ones must wait and pray for a more happy opportunity to perfect the great work by Rebellion.*

There is a mutual contract between King and Subjects, &c. and if He break the Covenant, He forfeits the benefits of this agreement, and He not performing the duty of a King, they are released from the duty of Subjects.

The Jews could have made this plea, grounded in the nature of a Covenant, the breach of which (though *Ans.* instituted by God between King and People, Deut. 17.) was no dispensation for them to Rebel, as was evidenced formerly. The Kings of Persia, though confessedly Supreme, and not responsible to their subjects, yet took an oath, at their inauguration as *Zenophon* and *Diodorus Siculus* inform us, and it was not lawful for them to alter certain laws, as appears in *Daniel*, nevertheless their miscarriages in government, did not dispence with their Subjects loyalty. If a Father promise any thing to his children, they have a full right to his performance; but in case he prove dishonest, he doth not thereby loose his right to govern them, nor are they excused from their duty of honor and obedience: So there is a contract between Husband and Wife, the violation of which on the mans part doth not bereave him of his dominion over the woman. I confess, a great obligation lies upon Kings, not onely from their Oaths and promises, and agreements, but expressly from Gods law also, to govern the people committed to their charge, with justice and equity. And if they abuse their power, Gods punishment will be as high as their ingratitude. The greatest temporal favour which
God

God bestows upon any single man, is to make him his Vicegerent, his immediate Deputy, *Christum suum*; his anointed; and the greatest blessing he hath given to mankind is government, by which he hath provided for the common good of all. Now if he turneth a blessing into a curse; if he who is set over a people to punish evill doers, persecute those who do well, he must expect a fearfull judgment from the almighty, it is pathetically exprest in *wisdom six*. Heare therefore O ye Kings and understand; learn ye that be Judges of the ends of the earth. Give eare you that rule the people, and glory in the multitude of nations. For power is given you of the Lord, and soveraignty from the highest, who shall try your works, and search out your counsels. Because being ministers of his Kingdome, you have not judged aright nor kept the Law, nor walked after the counsell of God. Horribly and speedily shall he come upon you: for a sharpe judgment shall be to them that are in high places. For mercy will soon pardon the meaneſt: but mighty men shall be mightily tormented. For he which is Lord over all, shall fear no mans person: neither shall he stand in awe of any mans greatnesse, for he hath made the small and the great, and careth for all alike; but a sore triall shall come upon the mighty.

Thus much is granted, but to conclude from this obligation that a not performance induces a forfeiture of his crown; and that we may make hostile resistance against unjust commands; is a very weak way of reasoning. For consider with your selves; is there not a mutual duty between husband and wife, parents and children? Fathers must not provoke their children to wrath but bring them up in the nurture and admonition of the Lord, *Eph. 6. 4*. Husbands should give honour to their wives as unto the weaker vessels, *1 Pet. 3. 7*. Suppose some fathers prove froward, some husbands unkinde, yet cannot their faults dispense with the duty of children and wives. The King ——— *verbi pater est ubi-*
que

que maritus, is both husband and father, not of single persons, but to the Common-wealth. There are many resemblances in matrimony which will afford great light to the better understanding the duty of Subjects. The consent of the woman makes such a man her husband, so the consent of the people is now necessary to the making Kings (for conquest is but a kinde of rayishing, which many times prepares the way to a wedding, as the Sabine woman choose rather to be wives, then concubines, & most people preferre the condition of Subjects, though under hard laws to that of slaves.) If we apply their arguments, their Sophistry will clearly appear. For *Quicquid efficit tale, est magis tale*, and *constituens est major constituto*, bestowes upon women the breeches, as well as the Crown upon the people, and *unumquodque eadem potestate dissolvitur, quâ constituitur*, gives the same licence to a woman to cast off the bonds of Wedlock; as to subjects those of subjection. As in marriage, so in Monarchy, there are two parties in the contract; though without a mutual agreement, there could be no covenant, yet after it is once made the dissent of the inferior party, let it be not upon fancyed, but reall discontents, cannot dissolve the compact. Consent therefore joyned man and wife, King and people; but divine ordinance continues this union; marriages and Governments both are ratified in heaven. *Que Deus conjunxit, homo ne separet* whom God hath joyned let not man put a sunder; They must take their King for better for worse. It is very observable though it was permitted to the man in some cases, to give a bill of divorce; yet this licence was never allowed to women; so fathers might abdicate their children, not they their fathers; women cannot unmarry; nor the people unsubject themselves. If any shall mistake with the disciples, if the case be so, it is good not to marry; it is good to live without a King; they ought to consider that God is wiser then they, and best knows how to order things for the good of mankind.

I

That

That I may (if it be possible) undeceive the misled multitude; I shall grant if a people choose one man, and bestow the name of King upon him, yet if they retain the supream power in themselves, and expresse it by making a Law that in case he shall do such and such things he shall forfeit his right to govern, then it is very lawful to depose him upon breach of such conditions. For then this state is a Democracy, and the legall power is in the people. Such a case is very possible, for if the Royal line in any Kingdome should faile, and there want one descended from his Joyns to sit upon the throne, then, as a woman after the death of her Husband is free to Marry to whom she will in the Lord, so the people may make what government they please, they may call one King, & place their Ephori or Demarchi and Tribuns over him. It is not materiall that this is not so wise a government, for it is not Prudence, but such a consent, not the understanding, but the will of the people that constitutes the form. In such a state hostile resistance against him (though called King) may be a just warr, because the Law enables them to fight, and the Prince may be a rebell and traytour.

Let them prove that *England* is no Monarchy; that they are not bound to bear true allegiance by a necessary obligation flowing from the civill constitutions of this Realm; that they may lawfully kill him, whose life they have sworn to defend with their utmost power; let them produce any Law which gives power to English Subjects to train, array, muster without the Kings authority, that I may not say against his expresse command, and to the end they may destroy him; when they have done this, and confuted their Oathes of *Supremacy* and *Faalty*, and made it appear to the world they were forsworne, I will cease to presse them with that of *St. Paul*, *You must needs be subject, not only for wrath, but also for conscience.* I will then direct my speech to the King, and endeavour to perswade him to submit to the People, under

der whom he governs. But since they do not so much as pretend any law, but justify their Rebellion only by (that word fatal to this Kingdome) necessity, and lay down a principall, fit to disturb the peace of all Nations, That when dangers threaten, Laws must give place to discretion, and the Subjects Birthright, Liberty, and Property, must be sacrificed to a few ambitious mens *ragioni di stato*: I think I am bound in charity to admonish them in what a desperate condition they are. *Those who resist, shall receive to themselves damnation.* All that they gain by manning the ruine of their Country, will not countervail the losse of their Souls. I remember the saying of the Prophet. *The prudent shall keep silence in that time, for it is an evill time,* Amos 5. 13. But I value not safety, in comparison of honest (though weak) endeavours to do service to the publick.

Some State is thus; elective Kingdomes are subjects to forfeiture, but not successive. These men give but smal satisfaction, becaus they build upon a very unsound foundation. For succession is no enlargement of right, but only a continuance of that which the first Had; elective Kingdomes are not forfeitable, except there be some expresse law, which places a power in the people to rule their King, and govern their governour. It is plain, the Roman Emperours, though chosen, were absolute: and necessary Kingdomes, if there be any such expresse Law are forfeitable; it is as plain, the Sparthian Kings; who were hereditary, might be legally deposed in some cases.

The unlawfullnesse of hostile resistance against the King of *England* is supported by a surer foundation, viz. the known Laws of this Realm strengthened by divine Ordinance: the necessity of our allegiance is demonstrable from the fundamentall Laws of this Kingdome. I shall only desire my Readers to consider the nature of this government, and they must evidently discern, to fight against the King is Treason and Rebellion.

I will lay down nothing, but what sober men shall

have as little reason to doubt of, as to believe, that the King was despis'd and scorn'd, in order to be made glorious, and that they endeavour'd to kill him in order to his preservation. So at *Edge-hill*; but before they were more cruel and reserved for him, something worse than death to live under their command; *Instrumentum servitutis, haberent Regem*, they would make him the unhappy instrument, to raise them to honours in the ruine of his good Subjects. The Duke of *Normandy* invaded *England* with a potent Army, and made himself King, what our Laws were under the *Danes* or *Saxons* (by whom we were likewise conquered) doth not much concern us to examine, (no more indeed then it doth to know the ancient *Brittish* Laws and priviledges, which were taken away by them, and the true owners were beaten out of their rightfull possessions and inheritances) for he inverted the Government, altered the laws, disposed of possessions to his *Norman* followers, (whose blood runs in the veins of our most Ancient Gentry) and made all, as well *English* as his native Subjects, studaries to him, so that he remained *Directus Dominus, Lord Paramount*, or *overlord* in the whole land; that we may make no scruple of this truth, the Laws given us by him, and which we are to live by now, are written in his language. However we state his entrance, whether by the sword, or to avoid the envy of that title, by a voluntary submission of all to him, as to their Sovereign; the conclusion cannot vary, because the duty of *non-resistance* arises from their consent, they taking an Oath to be his true and loyal Subjects. It is objected, If he came in by force, he may be turned out by the same title. *De jure* he cannot; in this case, *Quod fieri non debuit, factum valet*; for though conquest be a name of greater strength only, and be not it self aright, yet it is the mother of it. Because when the people are in their power, for fear of harder usage, they passe their consent to be his faithfull Subjects; and to be peaceably

bly governed by such Laws, as he shall, or hath given them: This subsequent Act gives him a full right to the Crown. To speak to the present case, he for his own security, and because it was the necessary means to enable him to protect his Subjects, retains the right to dispose the *Militia* of the Kingdome which continued in his Successors even to this day (though now violently invaded by Subjects through vertue of an *Ordinance*, of which no times can afford a president) and all Subjects of what condition soever, were bound to do *homage*, and bear *fealty* to him, which was inconsistent with taking up Armes against him. That he might sweeten their subjection, *Quadam jura pactis minuit*, he restraines his absolute right by compact, and bestows some liberties and some priviledges upon the people, who commonly *nec totam servitutem pati possunt, nec totam libertatem*) and these Acts of Grace he confirms unto them by such security as should not endanger his person nor regall authority, that is, by promise and oath, and not by giving to his Subjects legall power to un-king him, if he should not performe Covenant; knowing full well, that though he should not really break it, yet a pretence he did so, might upon the first opportunity create a civill war; (and therefore his Subjects had as little reason to accept, as he to offer so pernicious security, as would put both parties in far worse condition) for if rebellion should be allowed in any case, that case would be alwaies pretend, and though the Prince were just, and wise, and religious, yet ambitious men to compass their own ends, would impute to him oppression, weaknesse, and that notwithstanding his exemplary practise in his publique devotions to the contrary, he did but handsomly dissemble, and favoured a false religion in his heart.

The method of that Religion in the reign of Henry the third, which made France extreemly miserable, is very observable. A factious party of the Nobility and

Gentry, a seditious party of the Clergy, and an unfortunate party of the seduced Commonalty, entered into a *holy league* against their lawful Sovereign, upon pretence he was mis-led by evil Counsellors, and favoured the reformed doctrine, notwithstanding he was even superstitiously strict in his devotions, in conformity to what the *Romane Church* enjoined. When potent Armies were raised, ready to swallow him up, yet out of a vehement desire to undeceive his people, and to discover to the whole world the ungrounded malice of his adversaries in such unreasonable imputations, he refused the honest assistance of faithful Subjects, because Protestants, to his own and their probable destruction.

Many of King *Williams* Successors did enlarge the Subjects Privileges by divers Acts of Grace, which they swore to maintain, but never gave them such security, as should alter the nature of Monarchy, by granting authority to their Subjects to force them to observe promises, and to make satisfaction for *true* of *fancied* violations.

Hence it appears, that the original was conquest (as it is of almost all the Kingdoms in the world) which occasionally conveyed to him full right, because they yielded themselves, and consequently what they had to the Victor; the Laws which he or after Princes made for the benefit of the Subject, were several limitations of this right, and therefore where Laws cannot be produced to the contrary, there the Kings power is absolute, and no special cases can be determined by the Subject to the Kings disadvantage. The moderation of his power was by his own compact, which he could not violate without injustice, yet the breach of it could not indanger his personal safety, because he gave no jurisdiction to his Subjects to force him by a strong hand to do them right, and if he had done so, he had made himself in such cases their subject. What ever

we can claim as due now, is by vertue of the Kings grant; and therefore it is said by *Henry the third*, in his ratification of the great Charter, *we have granted and given to all the free-men of our Realm these liberties.* 9.H.3: The whole Land was the Conquerors, he gave part of it as a reward for their service to his *Normans*, and other parts to the ancient Inhabitants, and their heirs after them, yet so as he altered the tenure, and made it descend with such burdens, as he pleased to lay upon them: They hold them but in fee, and therefore are bound to certain services, and to do such and such duties upon pain of forfeiture; in case of Treason and Rebellion their Lands are his own again, and return into his disposal. If Subjects break their Covenant and prove disloyal, all their rights are forfeited by express Law; if Kings break their compact, no forfeiture follows: The reason of this inequality is, because the King gave Law to the Subject, the Subject did not give Law to him.

Another exception is, *If a King exercising tyranny over his people, may not be resisted, he and his followers may destroy the Kingdom.* Enc.

This is easily satisfied, if we consider in what condition we were then conquer'd, and how that to avoid a certain ruine (for he might have rooted us out for his better security, and planted this Land with his native Subjects) we submitted to an only not impossible, that is, a most extremely improbable destruction. For it is an unheard of madness, that a King should be such an enemy to his own interest; It is in our power to Kill our selves, and yet we are not afraid of our selves, because there is a natural dearness implanted in us, which secures every one from self-wrong: we have as little cause to be troubled, that it is in his power to make himself no King; by destroying his subjects; The King perishes in the ruine of his people, and the *max* only sur- As for.

vives, exposed to the hatred and scorn, and revenge of mankind. *Sic quibus imperes*, is a strong antidote against this unreasonable fear. Secondly, no policy can give an absolute security; we must trust somebody, by which a way lyes open to possible mischief, but many most probable and certain inconveniences are thereby avoided. Thirdly, we have good grounds to rely upon divine providence, if we do our duty; for the hearts of Kings are in the hand of the Lord, he will put a hook into the nostrils of Tyrants, and though we may be chastised for a tryal of our patience, or punished for our sinns, yet he will not permit them to bruise his children to pieces.

Ans.

We are bound by the natural affection we owe to our country to be active in restoring it to happiness, by removing such a curse from the land.

Exc.

We must not do evil, that good may come of it. Some reply, this precept obliges private men, not Magistrates; especially aiming not at any particular, but the publique good; a pious intention to advance this, excuses from sin. Certainly it will concern all such as mean to go to heaven; they may as well tell us, Magistrates may lawfully steal, or commit a dultery, if they sin for the Commonwealth, that is, plunder in hopes to finde letters amongst malignant goods, or ly with other mens wives, to unlock their breasts, and discover such secrets, whereby they may more easily cut their husbands throats, as being in their Catalogue of evill counsellours or enemies to the state: They may as well challenge a Priviledge to break all the Commandements for the Saints advantage. If then we may not do evil, though we propose a reall good as the fruit of sin, certainly those, whom divine ordinance commands to be subject, cannot usurpe office and rule, and take upon them to judge their Judges. If revenge be unlawfull in private men acted upon private men, how much is it a higher sinn, upon the Magistrate? By whom alone
Christians

Christians can right themselves, and therefore their hands are bound from being used against him.

Self preservation is justifiable by the law of nature.

Exc.

I grant this, hands were given to men for this purpose. This right to defend our selves flows from hence, *Ans.* that by an inbred affection every one is most dear to himself, and it doth not alwayes presuppose a fault in those who endanger our lives. For if they set upon me, mistaking me for another man, who hath injur'd them, or if they are lunatique, I am no more bound naturally to give up my self to madnesse or errour, then to the ravenous fury of Wolves or Lyons. It is very truly determined by the civill Law in reference to nature, *Jure hoc evenit, ut quod quisq; ob tutelam corporis sui fecerit, jure fecisse existimetur. L. ut vim. D. de just. & jur.* But this will nothing advantage them in the present case. For by that which they call Law of nature is meant only Right of nature, which is not a command, but a permission only, and therefore it may be, and indeed it is actually restrained by positive constitutions, whether divine or civill. For example, all thing were common *jure naturali*, by the right of nature, and yet the laws of property are now binding to us. Hence is discovered the holownesse of their discourses upon this principle. It is the most naturall work in the world for every thing to preserve it self; and therefore when a Commonwealth shall choose a Prince or a State Officer, though they trust him with their welfare, then that act of their trust is but by positive law, and therefore cannot destroy the naturall Law, which is self preservation; *cum humana potestas supra jus nature non existit*, seeing that no humane power is above the Law of nature. So Master Bridge in his wounded conscience. p. 2. Upon the same principle he must conclude, Society, which was regulated by the pactions of men; cannot take away our native liberty

For

For *jure naturali omnes homines ab initio liberi nascebantur* inst. de just. & ju. l. 2. Sect. 5. nor can property which was established by positive agreement destroy the right of naturall community. He must needs perceive the weaknesse of his reasoning. The answer to it is this, Humane power is not above the Law of nature peremptorily commanding to do such a thing, and abstaine from such things (of this Law Cicero spake; *hæc lex diffusa est in omnes, est sempiterna, à quâ homines neq; per Senatum, neque per populum possunt salvi & liberari* l. 3. de Rep. and Ovid makes it unalterable.

*Naturam vero appello, legem omnipotentis
Supremi q; partis, quam primâ ab origine rerum.
Cunctis imposuit rebus, jussit que teneri
Inviolabiliter.)*

But humane power is above the Law or rather the Right of nature, which doth permit a freedome of doing or not doing according to discretion. Else no contracts could be of force, because by the Law of nature men were free, and the obligation is positive, as arising from promise, which it was in our power not to make, but having once made it, we have tied our hands from using native liberty. Of this permissive law Aristotle spake pol. 7. cap. 13. *Homines adductos ratione multa præter mores & naturam agere, si aliter agi melius esse sibi persuaserint*; and again some things of nature depend upon our choyse and cease to be of force, when we please, to part with our naturall rights, not all things. *ἡμῶν τὰ μὲν φύσιν, ἡμῶν τὰ νόμον*, Ethic. l. 1. cap. 7.

Secondly, It concludes it lawfull for any private man to kill the King, or his own Father, in his own defence, which most of that side have disavowed, and therefore

therefore they must acknowledg this argument is very hollow.

For the clearer understanding of the Controversy, because I take no delight in confuting, but only in the hopes of satisfying them; and I request them for their own sakes, to weigh my reasons with the same moderation, and calmnesse, wherewith they are written; Self preservation is naturall; that is, Nature doth not forbid any man to defend himself, though he must thereby kill another; his destruction was not primarily intended, but he was forced to make use of such unfortunate means, in pursuance of no dishonest end, to retain his own right of living. But though nature doth not forbid it, yet the Gospell doth, as it restraines us of many innocent delights, if we measure them only by naturall right. Private revenge is unanswerably prohibited by the Evangelicall law; Recompence to no man evill for evill; dearly beloved avenge not your selves, but rather give place unto wrath. *μηδὲ αὐτὸς ἐκδικήσεις*, it is not lawfull to right your selves, to do your selves justice, *Rom. 12.* The strongest objection against it, which can be made, is, That we are not bound to love our neighbour better then our selves, therefore we may rather kill then be killed. (I speak onely against private revenge, that is, an execution of justice not commanded by Law, for we may be bound, not to part with our lives, if the Common-wealth Armes us, and injoyes us to defend our selves, because the preservation of the State is concerned in our safety, in that case. *Servitia est voluptate mori* —)

Object.

I deny the argument; the antecedent is very true, *Ans.* but the consequence infirm, because we do not love him above our selves, though we part with our lives, rather then destroy His; For we shall thereby gain eternal life, if we do not contrary to the rules of charity, cut him off in his sin, which will certainly damn him. If any

any make scruple, that themselves are sinners too, and so unprepared to dye, and therefore (as good reason they have) they may refuse to be damned, onely to leave their enemy in a possibility of being saved. These fears may easily be solved. Greater charity then this hath no man, then to lay down his life for his enemy, and it were very strange, if men should go to hell with as great charity, as the highest Saints are rewarded with heaven for. Perfect charity is the fulfilling of the Law, and as effectual as universal obedience to Christs precepts, the condition of the Gospel. To resign our lives (that is, the capacity of serving God longer) out of conscience to obey him though against the strongest temptation, is such an heroical act, that the excellency of it may supply the want of duration. It is an infallible sign of hearty repentance, and a most certain argument of our serious turning from all sin. For here is not onely godly sorrow for offences past, which is the door and entrance into Christianity, but the perfection of it also, amendment of life, which is true repentance. For we sacrifice the pleasures and profits of this world, and whatever was dear unto us, while we remained carnal; nay we yeild up life it self against the most violent assault the flesh can make, to the will of God, who assures that to dye thus, is gaine, as also, whosoever will save his life shall loose it, and whosoever will loose his life for my sake, shall finde it. For these reasons private revenge is unlawful, though upon private men, and therefore much more hath Christ disarmed us, from recompencing evil to the Magistrate, because there is some equality between mine and my neighbors life; but publike tranquility, the common peace of a whole Kingdom (which is destroyed by civil war) and the life of a single man, though innocent are very unequal. Naturally we love society below our selves, for the end of it was to convey to us such and such goods, and that which is loved in order to something else, is less amiable: But morally and in Christianity

unity we are bound to prefer the publike good to whatever private Interest. And the obligation is very reasonable; For if we submit nature to religion, and be content to loose our lives for the present, we shall receive them hereafter with great advantage. So that charity to our neighbor, and love of our selves, do sweetly kiss each other.

It is lawful to resist in Gods behalf, and to preserve the true Religion; and to compass the peace of Jerusalem by disturbing that of Babylon. Exc.

Certainly never any man made great improvement of his own Religion by raising Civill War; and Sedition and Rebellion are very unfit means to beget devotion in the hearts of others; this way is so unlikely to attain to perfect godlinesse, that I am much afraid, by the unspeakable scandal of these not-christian courses, it destroyes even common honesty amongst men. Since the time of these unnatural distractions, there hath been a general ebb in our devotion,

*Ex illo fluere, & retro sublapsa reverse
Res Cali*

Some with Nadab and Abihu offer strange fire before the Lord, which he commanded them not; God in his good time may quench these flames, which sensibly consume both Church and State, and the unhappy incendiaries may be devoured in that fire, which themselves have kindled. Others are not at leisure to offer up the ordinary incense of prayer and thanksgiving, (though too many have been over gratefull, and when beaten in the field, they have triumph'd in the Church, and instituted solemn praises, for the Almightyes preserving their party, in such a sense as they endeavoured to preserve their Sovereign) If any time be spared to make their addresses to Heaven, their usuall voice is as harsh in Gods ears, as the drum and trumpet; for he is generally invoked as the Lord of Hosts, who takes greater delight to be worshipped as the God of peace. Mutual
fears

fear and mutual injuries, have so exasperated the minds of most men, that the defection from charity is much more common then that from allegiance. So that how religion thrives, be you judges; I am certain there is a great decay of godlinesse.

But to examine this colour of *preservation of true Religion.*]

First, all the *Anabaptists* and *Brownists* and other *Scismatices*, who believe us *Idolaters*, for using the sign of the Crosse in Baptisme; and all such as joyn with them in fighting against the book of Common-prayer and Episcopacy; established by the fundamentall laws of this Kingdome, are evidently engaged in this Rebellion, not for defence of their old Religion, but to introduce a better and new C^{re}ed. Let me aske them, with what face they can hereafter object to *Papists*, that their Religion is Rebellion; who may justifie rising up in armes against their lawful Sovereign, for the Catholique cause upon these Puritan Principles? The truth is, not all *Jesuites* do maintain it, and many *Papists* abhor this seditious Doctrine; agreeing with *Rossensis*, that *sicut Evangelium non dat regnum, sic nec auferre potest, lib, de potest, papa in tem^{or}*: Christ came not to dispose of Kingdomes, nor to make them subject to forfeiture. The University of *Paris* hath very Christianly determined it, *seditiosum, impium; ac haereticum, quocunque quaesito colore, a quocunque subdito, vassallo aut extraneo, sacris regum ac principum personis vim habere, a seditious, imperious, and hereticall thing, for any Subject, Vassal, or Forreigner, upon what pretexts or colour soever, to offer violence to the sacred persons of Kings and Princes, in their censure past, June the 4th. 1610.*

A more dangerous tenent for turning States upside down, and bringing all to confusion, was never invented then this, that *Regnum fundatur in orthodoxa Religione*: Subjects may cast from off their neck the Royal yoke,

yoake, if he will not submit to the yoake of Christ. Their late Pamphlets speak out and tell us plainly, the quarrel is, whether Jesus shall be King. By this means those who mannage Christs Scepter, will command the Kings, and he must lay down his Crown before the *Prestyters*. They have another principle nearely allyed to this, which hath too great influences upon their practice, *Dominium fundatur in gratia*, only the Saints, Gods elect, have right to the Creature: wicked men and reprobrates but usurpe the portion of the Godly, and thereby increase their own damnation, for they are the true heirs, for our Saviour bestowed all upon them: *The Meek shall inherit the earth*. When we think they Plunder, they do but destrein upon their own goods; it is a recovery of what was due to them by the Gospel; to measure right by the Laws, is but to break *evangelicall priviledges*: It is not theft, but charity to put the wicked in such a condition, as that they shall have lesse to answer for. If men of these opinions be tolerated, both reason and experience shew the peace of the Realm is apparently endangered.

Secondly, As it is unlawfull (and some of their own writers confesse thus much, see Master *Burroughs*, pag. 123.) to fight for Religion if the Laws of the Land be against it, (yet this is clearly their case, for they go the destructive way, and would root out part of the established worship, though very much hath been indulged to tender consciences even in this case) so it is against the civill constitutions of this Realm, and consequently against divine ordinance to take up Armes against their King, though he should really favour another Religion, and countenance by his practice superstitious rites; nay, though the professors of the true and setled Religion should be illegally grieved. Here were an opportunity to shew their Christian fortitude, to make use of their *spiritual Militia*, faith, humility, and patience, and not so contradict their calling, and discredit

discredit the Crosse of our Saviour by taking up carnal weapons. I wish from my soul, all such as pretend to the Reformed Protestant Religion, had been unblamable in this respect, and that they had rather chosen to manifest their Christian, then their martial spirit. Wherever arms have been lifted up against their lawful Magistrates, though they were unjustly afflicted for the testimony of a good conscience, I cannot excuse them from resisting the ordinance of God; Who would have been glorified in their martyrdom. I am sorry to meet with objections drawn from the unwarrantable practise of some, which do not conclude you innocent, but that others were likewise faulty. I am certain the primitive Christians were better catechised, and we read the same doctrine of true patience in their lives as in their Schools; which taught them to take up Christs cross, and to follow him in that yoke in which he drew; They fought not against their Arrian Emperors in defence of the Nicene Creed; no rebellion was undertaken by them under colour of preventing their consciences from being forced: which is indeed an impossible thing; we may be robbed of our goods, we cannot be plundered of our Religion. Did not Christianity thrive upon persecutions? *Sanguis martyrum, semen ecclesie*, The blood of the Saints made their surviving brethren fruitful in good works. Their patience wearied the cruelty of their adversaries, and gained innumerable converts, who began to suspect Christianity was true, when they saw it so powerful as to make the professors live with so much innocence, and dye with so great meekness, and to neglect all earthly interests in expectation of Heaven.

Though private men should not; yet *Inferiour Magistrates may force him who hath the Supreme power, to rule according to Justice and the established Laws.*

The same reason which disables private men from righting themselves concludes likewise against inferior Magistrates, that is, want of Jurisdiction. For if opposed to him whose authority only can alter the nature of revenge, (and make it justice, for *Inferior in Superiorum non habet imperium*) they are but private persons. It is an unreasonable, impossible thing, that men should be obliged to obey two Masters commanding contrary duties, because this would impose upon them a necessity of sinning which must be laid upon him who was the author of that necessity; And therefore God hath appointed a convenient subordination in all authorities. *ut sol delet minora sidera*, as the lesser lights are extinguish'd by the greatest Luminary, the fountain of all light; so minor jurisdictions must give place to him who is the fountain of justice. If God command one thing, the King another, we must be obedient to divine ordinance, because we cannot be Subject to mans command for conscience sake, against him who hath the sole authority to oblige conscience. So if the King command one thing, & his ministers inferior Magistrates another, we must submit to regal power either by obeying, or suffering, because they can challenge our obedience only by virtue of his authority, and this cannot be set up in an hostile way against his person. Whether it be reasonable to obey the Kings Officers, who can do nothing but in his name against the King, judg ye. Souldiers are bound to execute the command of their Captain, yet not if they were contradicted by their Colonel, and he must not be obeyed against an expresse order from the General. In thus doing St. *Augustine*, and reason also assure us, we dispute not the power, but choose to submit to the higher; lesser Magistrates have no just grounds of complaint, if we preferre the Supream, for in reference, to the highest, their Magistracy ceases, and they become our fellow Subjects. *Let every soul be subject to the higher powers*, saith Saint Paul. We must obey the King

K

and

and His Officers also, as they represent the King, for *quod per officarios facit, per se facere videtur*) and they must be obedient as well as we, as they represent Subjects. Thus Nehemiah receiving Commission from Artaxerxes, Armed his countrey-men against those who governed under the King. Saint Peter very oppositely differences this duty in respect of King and Magistrates. *Submit yourselves unto the King as Supreme, but unto Governours as unto them, that are sent by him, and derive their power from him, and are His Ministers to execute His commands,* 1 Pet. 2. vers. 13. 14.

Exc. It is objected, (but very impertinently) if a King command against established Laws, and inferior Magistrates according to the Law, they ought to be obeyed.

Ans. This comes not home to the case; I grant, obedience to the Kings command against Law, is unwarrantable; but this doth not conclude the lawfulness of hostile resistance. We do our duty in submitting to His legall will, though against his Letters or word of mouth; for he hath obliged us so to do, and by his own grant hath restrained his right to recall and abrogate Laws, except by advice and consent of both Houses in Parliament. If He be offended without cause, we are bound by christian and civil constitutions to submit though to His unjust wrath. If they mean to conclude their own innocence, they must frame their Argument thus: If a King command against Law, and Magistrates resist according to Law, we may without guilt take part with them. This is true, if they resist according to Law; but this cannot be in a Monarchy; for if the Laws grant a right of resistance in any case, when that case comes, the Monarchy is dissolved, for those who are enabled to take up armes against Him, are His equals or colleagues at least; the union is destroyed, and they are not to be esteemed Rebels then, but just enemies, because they cease to be Subjects. They cannot vindicate themselves from Treason and Rebellion, except

cept they can produce some Law of England, which dispenses with their Allegiance in such cases, and shew that our civill constitutions are so framed, as to make *Bellum Civile, Bellum Civile, Bellum utrinque iustum*, a Civill War; a just War of both sides in the Law notion which cannot be, except there be two supream authorities to Proclaim and mannage it. That this is not so, the Houses shall give testimony against themselves, for they acknowledge themselves in their addresles to His Majesty, *His humble and loyall Subjects assembled in Parliament,*

Another main exception, and which they most triumph in, is this, (I will deliver the words of one of them, who hath expressed it the most fully) *As it is a Parliament, it is the highest Court of Justice in the Kingdom, therefore hath power to send for by force, those that are accused before them, that they may come to their tryall, which (if I mistake not) power inferiour Courts have, much more the highest.* 'Tis out of doubt agreed on by all, that the Parliament hath a power to send a Serjeant at Arms to bring up such an one as is accused before them, and if they have power to send one Serjeant at Armes, then twenty, if twenty be accused, and then a hundred, then a thousand, then ten thousand, if ten thousand be accused, and so more or lesse as occasion serves; for there is the same Reason for two as for one, for a hundred as for twenty, for a thousand as for a hundred, and take away this power from the Parliament, and it is no longer a Parliament. But the King, and His Forefathers have by Law settled these Liberties of Parliament, and therefore according to Laws they have a power to send for by force those that are accused to be tryed before them, which they cannot do, unlesse they raise an Army when the accused are kept from them by an Army. Master Bridge in his VVounded conscience, page 6.

First, The House of Commons is no Court of justice, it hath indeed by speciall priviledge for its better regulation, power over it's own members, to imprison

ENC.

Answer.

son or turne out, and this power though at any time abused against justice and equity, and contrary to the trust reposed in them, both by King and people (as if men should be committed for delivering their opinions freely because their reason was not so happy as to concur with the sense of the House, which may possibly be the passions of the major part; or if some should be *accused* and others *past by*, though of known guilt in the very same particulars, as having an hand in monopolles, &c. and so not the *Cause* but the *Person*, be made the measure of right and wrong) yet this misused authority hath the effect of justice & Right, and makes the Act legally vailed. But the House of Commons hath no jurisdiction over those who are without, except at most in case of breach of Priviledg; it cannot judge or condemn any, no not so much as examine upon oath: so that the argument is, the Parliament, that is the House of Lords, as the highest Court of justice, may legally raise an Army, without the consent, nay against the command of the King; it concludes too without the consent, & if they plead against the expresse will of the commons declared to the contrary. This doctrine once, since this Parliament sat, would not have been so pleasing to the lower House, that they would have taken care for Printing it by Order from their Committee. There was a time when one of this House professed openly, he hoped to see that skie fall too and the Lords were put in minde, they sate but in personall capacities (whereas Knights were Shires, and Burgeses were Towns and Cities) and therefore it was thought fit to give them warning and to admonish them to take heed how they thwarted the representative Kingdome.

Secondly, By the same reason Judges of inferiour Courts, out of Parliament at least, may raise an Army to fetch in delinquents; if the framers of this objection had consulted with those Sages; they would have better instructed them in the laws. In cases of such high con-

consequences, it was the custome of the House of Peers to advise with these Oraeles, to take directions from them, at least to know their opinion, and the reasons of it, because they had employed their whole time and studies to finde out the true meaning of the Laws.

Thirdly, To discover their mistake and the consequence of the argument, *There is the same reason for twenty as for one, and so for an hundred, for a thousand, for an Army &c.*

The reason is not the same; because when a few are sent out, the administration of justice doth not endanger the common peace. But because a warr doth put the whole Kingdome in manifest perrill of being ruined, therefore when either reall delinquents, or pretended to be so, are so many, as to make the tryall doubtfull, the liberty and right of inferiour Magistrates to fetch them in by force, is in this case restrained by expresse laws. which provides very prudently, that no warr shall be made, except authorized by the supreme governour. And therefore also the Laws permit the King to pardon all offences against his crown and dignity, supposing he will do it, as sometimes out of goodnesse of nature, so sometimes out of the strength of his understanding, because not mercy onely, but wisdom and prudence may prevaile with him to forget offenders, when they are so potent, that the uncertain punishment of nocents, (for the worst cause may prevaile, as in the case of the tribe of *Benjamin*, so

Victrix causa Deis placuit, sed victa catoni)

must be bought with the unavoydable destruction of many innocent and gallant persons. Wherefore Sergeants at Arms and Officers may be sent by the House of Peers, and consequently by Judges of inferiour Courts,

Courts, and ordinary Justices, to force delinquents to appearance (though their crime ought to be specified, for to call them malignants or delinquents, is no legal charge) if they be not so many, as that they make such resistance, as cannot be punished without an Army; for a civil war endangers all, and begets more faults then it punishes, and therefore the Laws refer the ordering of the Common-wealth to him who is supreme, lest inferior Magistrates violently carried on, should out of indiscreet zeal to justice, expose the Kingdom to contributions, plunderings, and thousand remediless injuries, more grievous then those they seek to punish.

Exc.

War against the person of the King is not resistance of the higher power, but war against his authority only, Buchanan right; Non igitur h'c Paulus de iis qui magistratum gerunt, agit, sed de ipso magistratus, b. e. de functione & officio eorum qui aliis præsunt, dial. de jur. reg.

Ans.

This separation of the Officer from the Office (which hath created *bella plusquam civilia*, the King in this Army fighting against himself in the opposite Army) is made without all colour or shadow of reason, for though the authority of the King be sometimes where his person is not, yet his person cannot be where his authority is not, This is evident by the 25. Edw. 3. c. 2. which makes it Treason to compass the Kings death, by which must be meant to endeavour his personal ruine, because Regal authority never dyes in England. I have shewed formerly, that by not resisting powers, is meant, not resisting persons invested with such powers. For when Saint Paul hath forbid to resist the power, he explains it by adding a reason drawn from the persons in authority, to encourage them to obedience; *for Rulers are not a terror to good works*, and so after, *for they are Gods Ministers*, ἀντιπροσ in the masculine gender, which cannot be apply'd to ἡγε-
ται,

ofas, that he might leave no ground of scruple, but plainly instruct us, that honor is due to their persons, and that all resistance to their persons is sin, because of their authority. Saint Peter is as clear, *Submit your selves to every Ordinance of man for the Lords sake, whether it be to the King as Supream, or unto Governors, as unto them that are sent by him.* Decate expresses it very fully in his Italian translation, *Siate adunque soggetti ad ogni Podesta à criata dagli huomini per l'amor del signore: al Re, come al sovrano, ed a governadori come a persona mandata da lui.* That we may not mistake, he tells us, that by Power or Ordinance, is meant Persons endued with power *ad ogni Podesta*; is, says he, in his gloss upon the place, *a Principi, Magistrati, Rettori* created by or amongst men *dagli huomini, O fragli huomini per la conservazione e condotta della società humana.*

Jude, when he condemns despisers of dominion, and such as, *ὁὕτως βλασφημοῦσι*, speak evil of dignities, vers. 8. means to commend to us the same duty which Paul taught us out of the Law, which is free from all ambiguity, and concludes for the persons. When Ananias, the high Priest, whose duty was to judge after the Law, commanded him to be smitten contrary to Law, he (as was supposed by them) in passion returns ill language, and being justly rebuked by the by-standers, he confesses he ought not to revile the Priest, though he did evidently abuse his authority (muchless ought he to strike again) with pretence of honoring his authority, but not being bound to submit to his personal commands contrary to the Law. *I wist not brethren that he was the high Priest; for it is written, thou shalt not speak evil of the Ruler of thy people, Act. 23. 5.* Saint Paul was unacquainted with this subtilty, which allows to speak evil; nay, to make hostile resistance against men in authority, so they profess to honor the authority of those men. *It is ὑψίστος, not ἰσχυρίσθαι* (so Master Burroughs) his personal strength, not

any legal power which is resisted, if he do anything against Law, and this, sayes he, is not forbidden, we may resist men, though not powers, we must not be subject to will, but to Law. p. 113.

His mistake lyes in this, that he thinks ἐξουία, power, signifies the right and honest use of authority, whereas it signifies the right to use his authority, whether well or ill, 'tis all one to us for matter of submission to it, either by obedience or patience, because no resistance can be lawful for want of a superior jurisdiction, by which onely we can be enabled to call him to account for his actions. The truth of this is made evident in Job. 19. 10, 11. Pilate said unto him, knowest thou not that ἐξουίαν ἔχω, I have power to crucifie thee, and ἐξουίαν ἔχω, I have power to release thee; Jesus grants it, and answers, οὐ ἔχω ἐξουίαν ταύτην, &c. thou couldest have no power at all against me, except it were given thee from above.

By ἐξουία, therefore are meant persons invested with authority. The reason which made Paul call Magistrates by the Abstracts, Powers was this, he wrote to Christians living in the Roman Empire, and it was the custom of the Latin Language to call persons endued with power, potestates, by the name of powers. You may observe it in *Ulpian*, l. quid sit, de *Edil. edict. Sect.* 19. and in *Augustine*, epist. 48. who saith, siue potestas veritati favens, aliquem corrigat, laudem habet ex illa, qui fuerit emendatus: siue inimica veritati in aliquem saeviat, laudem habet ex illa qui fuerit coronatus. Mark that, potestas inimica veritati, this must needs signifie a man abusing his authority. And in *Juvenal*, An *Fidernarum*, Gabio, unquam esse potestas, and in *Suetonius*, Jurisdictionem de fidei commissis quot annis & tantum in urbe delegari magistratibus solitam, in perpetuum atque etiam per provincias potestatibus de legavit. The modern languages, Italian and French, which were bred out of the Latine, retain the ancient use of speaking, for potestas

potestas in French and *potestà* in Italian, exprets not the function onely, but the person which manages it. Thus anciently the Latine word for a Justice of peace, who now is called *justiciarius*, was *justitia*, as you may find in *Glaro. lib. 2. c. 6.* and *Roger Hoveden's Annals*: so our King is called in the abstrat Majesty, as the Grecians Emperiors, *αὐτὴ βασιλεύς*.

Many ridiculous consequences flow from hence, but I list not to make sport with that unhappy distinction which hath almost ruined as flourishing and strongly tempered a Kingdom as any in the Christian world. It exposes Magistrates, and all in authority to the contempt and injuries of the baser sort of people. For when discontented, it is very obvious for them to tell them a reverence is indeed due to their function, and therefore that they setting their office aside, will take liberty onely to kick their persons, and that the Magistrate is not at all affronted, though the man be soundly beaten. It is against common sense to put such a difference between the person and the authority of the King, for if it were real, neither God, nor the Laws of the Land have made any provision for the Kings safety; for his authority is not capable of receiving any benefit, and therefore it must be acknowledged by all sober and reasonable men, that His authority doth but convey such and such priviledges upon the persons, who onely can be sensible of them, and consequently whatsoever is attempted against his person, is attempted against his authority likewise.

Another cavil is taken from these words in *Rom. 13. Exc.*
For Rulers are not a terror to good works, but to the evil; wilt thou then not be afraid of the power, do that which is good, and thou shalt have praise of the same. For he is the minister of God to thee for good. Their argument is framed thus: A Magistrate is the Minister of God for our good, therefore he which is not a Minister for our good, is no Magistrate, and to resist him, is not to resist

sist the Ordinance of God, (which instituted Rulers for the peoples happinelle) but the faults and exorbitances of men, which endeavour to rob them of the blessings of divine providence, orderly government, and to make them bow down under the heavy burdens, of an arbitrary sway. Their conclusion (contradictory in it self) is plainly this: A bad Magistrate is no magistrate, (as being a terrour to good works, and giving praise to the evill, contrary to Saint Paul's definition of Rulers,) and therefore no honour is due to him, no resistance is forbidden.

Ansiv.

The Example of Christ commanding them to pay Tribute to *Cesar*, as his due, the end of which was, that he should minde their goods, though he neglected that duty, and his acknowledgment of *Pilates* power or right to judge, though he exercised it to the condemnation of the innocent, and Saint Pauls confession, that notwithstanding the high Priest commanded him to be smitten illegally (which in their language was abuse of will, not power) yet he must not return ill language, because he was the Ruler, do clearly evince their argument not concluding. *Saul* was a bloody Tyrant, he made the Priests a sacrifice to his cruelty, yet notwithstanding he continued Gods anointed. It were easy to instance in many examples, which shew the vices of man, making ill use of the power, do not voyd the ordinance of God.

There are, who answer these places very piously, but, as I think, not altogether to what Saint Paul aimed at; Rulers are not a terrour to good works, and he is the Minister of God to thee for good, that is, though they oppress, nay kill innocent men, yet they cannot hurt them; For God will recompence their sufferings, it is *in bonum affligitis*, though *affligentibus in malum*, because all things work together for good to them. that love (that is, are obedient to) God, *Rom. 8.*

It

It seems to me more probable, that the scope of the Apostle was to inforce the duty of subjection, pressed in *vers.* 1. by a second reason (for he had urged before, the ordinance of God) drawn from the benefits which will be reaped from Governours. And the motive is, the consideration of that happinesse, which we have reason to promise our selves from the preservation of order, the end of which is publick tranquillity. This is enjoyed under very bad Princes, which will abundantly recompence some particular sufferings, whereas if we should go about to right our selves, when power is abused (to say nothing, that it would alwayes be pretended to be so by ambitious men, who have this advantage, that the common people have but weak judgments in State matters and yet appeales are especially directed to them, and since our miseries have growne upon us, the contrivance of our calamity was very visible; the fatall arts which ruined this Kingdome were to make the meaner sort of men Judges of Policy, and women generally the Judges of Religion) and they are easily perswaded to reckon misfortunes amongst crimes, and to confound ill intentions with ill successe). If I say we should take upon us to govern our Governours, because they rule not for our advantage, we should pull upon our heads much greater mischiefs. Experience shews, that Kingdomes suffer infinitely more by civill Warr, then by the most Tyranicall Princes: If we call to minde the most vicious King that ever raigned in *England*, we shall finde, though he did injure some particulars, indulging to some inordinate affections against the tenor of Law, yet justice was favoured in the generall, and the greatest part of the Kingdome reaped the fruit of Order. Whereas illegall indeavours to force him to amendment, introduce a cessation of all Law and Justice, and the Subjects will be plundered more in one night, then the greatest monopolies & most unjustifiable taxes of many years
robb'd

robb'd them of. The Apostles sense is expressed fully by *Tacitus*, *Fervenda Regum ingenia, neque usus esse crebras mutationes*. The reason why it is better for a people, though oppressed, to submit with patience even to a Tyrant, is this; if he be put to recover his own by conquest, and prevail, he may be tempted (as highly provoked) to rule them with a rod of Iron, and to provide for future safety, by utter disabling them to hurt him: but if they get the better, their victory doth but confirm our calamity; we cannot see any probable end of our unhappy distractions. Because forraign Princes will clearly afford supplies for recovering his just rights (for it might suddenly be their own case, and they are bound to it in State interest, that they send not aid sooner, is, because it is for their advantage to have a neighbour Kingdome weakened, but not the Prince ruin'd) and it is very unlikely he should ever want a very considerable party at home, many out of conscience, more out of discontent and envy towards their fellow Subjects, prosperous treason, endeavouring to restore their injur'd Sovereign, to his undoubted Rights and Prerogative. So that *England* would be the unhappy scene, where the tragedies of *Germany* would be re-acted. But grant a total extirpation, & that they shall be able to go through with their wicked designe, and not onely branch, but even root Monarchy also, for this is aimed at by some, who fear it may sprout again, if the stock be left) have we yet at last any hopes of peace, when we are so undone by War, that we have nothing left to loose but our lives? Truly no, then like thieves, when once secure their booty, we should have a thousand differences in dividing the Prey, all of them challenging preferments great as their sinns, and setting such a price upon their wickednesse, as the estates of all honest men will not be able to pay; it is not possible, what they have gotten can be pleasant to them, when they consider much more might be enjoyed, and sadly recollect the inequality of the

the recompence to the adventure; for their lives were exposed to the danger of the law, their reputation is lost with all good men, and their families are externally ruin'd. They would fall out amongst themselves, who was the greatest Traytor, and never yeeld precedence in mischief, because that is the measure of Sharing. Some would plead, they *contrived*, others, they *acted* the Treason, and think a subtle brain should have no privilege above a courageous heart, it being more easie to fright the people by inventing false dangers, then to lead them on, and make them stand the brunt of war. It is beyond my skill to proportion the wages of sin, and determine, whether the *ste* had cunning fester, or the *slout* thief can claim greatest share in the spoile. But commonly the speculatively malicious men are miserably deceived of their expected requital. For though they set the mischieses on foot, yet their journey-men, quickly apprehending the mystery, are easily tempted to set up for themselves. It hath been often seen, that to end such quarrels, he that was head of the conspiracy in referreece to the active part of it, and who had force enough to oppress a Tyrant, would use the same to establish himself their Lord and Master, and his government was so much the more rigid, severe, and miserable, because he was frighted with his own example upon his predecessor.

This I conceive to be the Apostles sense, that we must submit even to bad Governours (such they were when he wrote this Epistle) not onely out of honesty, but prudence also, because if we go about to make them better, we shall put the Kingdome, and consequently our selves, in far worse condition.

After this explanation, I will reduce their Argument into form, that I may thereby give more distinct satisfaction.

Now

No resistance is forbidden onely to the powers ordained of God ;

But powers used tyrannically are not ordained of God, therefore we are not forbidden to resist them.

The assumption is absolutely false : For though tyranny be not the ordinance of God, yet the power (which is commanded to rule justly, but withall inabled to do otherwise, for the use is left indifferent in respect not of the Magistrates, but Subjects duty, so that abuse doth not void authority, when swerving from Laws) is of divine constitution. The obligation not to resist superior powers receives not strength from mans justice, nor is it weakned or made null by injustice. *Saul* was Gods anointed, and *Pilate* had authority from Heaven, notwithstanding the extream abuse of it. Had the Apostle meant as they endeavour to perswade the world, considering what Governours the Christians then lived under, he had laid down a doctrine of Rebellion, whereas he labours to teach them patience.

Thus much in answer to their objections, against what was delivered in the second Section ; I shall now examine their exceptions against what was assumed in the precedent Section,

The King of England hath Supream Power.

Exc.

There is a mixture or coordination in the supremacy, and the English Monarchy is compounded of three coordinate estates.

Ans.

I have shewed before, that a mixt Monarchy is a contradiction, and that by this name can onely be meant, a restrained and limited Monarchy, that is, that such a King, though he have supream, yet hath not absolute power. By reason of this restraint from his own grant and

and positive constitutions, active obedience is not due to his illegal commands, and by reason of his supreme power and sole right to make War and Peace, passive obedience is necessary.

Monarchy compounded of three co-ordinate Estates, in plain English, speaks this non-sense, the power which one opely hath, is in three joyntly and equally.

The ground of this invention, and so much fancied co-ordination, which our ancient Lawyers never dreamt of, may be this. If they mean by it, that the consent of all three Estates (I will not alter the new manner of expressing this government, but only take notice by the way, that heretofore, that Parliament was taken for an Assembly of the King and the three Estates, and that in all other Kingdoms likewise there are three States, the Clergy, the Nobility, and the Commonalty, distinct from the Head) are equally required for transacting such businesses as the King hath obliged himself not to do without them, and that they have the right of a negative voice, we shall indulge to them the name of *co-ordination* to two purposes, which are, making new, repealing old Laws, and supplying the Kings necessities, in such proportion as they shall think fitting. These are great democratical advantages, but include no authority of making hostile resistance against their sovereign, in case he should do contrary to the established Laws. These are still in force, till abrogated by joynt consent, and bind his conscience, but he cannot be forced to put them in execution, because he hath no superior in jurisdiction; and he hath no equal in managing *ius gladii*, the material sword, which is necessary to distinguish their resistance from Rebellion, and give it the title of a just war. For except they can prove themselves not to be his Subjects, I am forced to tell them, if they fight against him they are by the Law of Nations and of this Land worthily

re-

reputed Rebels, and by divine Law they are assured of damnation.

Thus therefore; the two Houses, or two Estates of Lords and Commons, are not bound to submit their consent to the Kings command in matter of Subsidy, or taking away ancient Law, if they conceive it disadvantageous to the Commonwealth; *Par in parem non habet imperium*, in those things in which they are equal as a father and a son being joyned in commission; in this sense let them be called co-ordinate. Yet they are subject in all other things, and therefore may not take up arms without his consent, for this is destructive of their Allegiance.

If there be a *co-ordination* in the Supremacy, that is, if the King and Lords and Commons are joyntly the Supream governor, the *correlatum* is wanting, none are left over whom they should Reign, we should have a Kingdom without a Subject, because all may challenge a share in sovereignty.

The Parliament not sitting, they will not deny the Supremacy to be solely in the King, and certainly by calling His great Councel together, he doth not empty himself of any regal power; it were very strange our Laws should be guilty of such vanity to make a useles co-ordination, for if His rivals should make any attempts upon His Prerogatives. He can legally dissolve them (except when he hath past a particular grant for their continuance, and then the enlargement of their time of sitting, doth not enlarge their power) and after he hath dismiss the Assembly (as the right to do so is unquestionable) then He is Supream again, none being left to stand in competition. The clear business is this, all marks of Supremacy are in the King, nor is it any Argument of communicating His power, that He restrains Himself from exercising some particular acts without consent of Parliament, for it is by vertue of His own grant, that such after acts shall not

not be valid. He hath not divided His legislative faculty, but tyed Himself from using it, except by the advice and consent of the Peers, and at the request of the Commons, their rogation must proceed His ratification. I shewed this in the *Roman* Empire likewise, and yet none fancied an equality between Subjects and the King or Emperor was thereby introduced.

As the *Boutefeut* of *France* argued from the denomination of *Pairs France*, to make them equal with the King, so our Incendaries from *Peers* and *Committees*, to bring in a *co-ordination*, whereas it is evident, that *Peers* refers not to the King, but signifies (as the *Persian* *ἄποκριτοι* mentioned in *Zenophon*) Subjects in the same rank of honor, and enjoying equal privileges, one as another. And to make *Committees* is called by *Lampridius* *in contubernium imperatoris majestatis as-ciscere*, our lawyers derive them from having that special honor to be *in comitatu regis*: *Suttonius* calls them *comites peregrinationum; expeditionumque Tiberii*. They were of three ranks under the Emperors; *Comites intractisistorium* were the highest, and in the nature of privy Councillors, but created by the Emperor, the fountain of all honor; and so not *similes altissimo*, equal to him, though exalted above fellow Subjects.

The brief is, the frame of Government, as it is established by our laws, clearly condemns their undertakings, and therefore they have laid such a foundation, as will support the building. For if they can but prove that Parliament men, and those who are stirred up to fight against their Sovereign, are not the Kings Subjects, they have acquitted them from being Rebels.

We have seen the ground work, and shall now take the superstructure into due consideration; the whole fabrick is comprised in that Axiome so frequently applied to justify all illegal proceedings; *Co-ordinata se invicem supplent*, *Co-ordinates ought mutually to supply each*

L

others

others failings, that we may not suffer whether by necessary or voluntary defects, and that the Kingdom may not run the hazard of being ruined for want of supplemental Laws, and therefore when the King is perverse and will not joyn with them for the common good they have full authority without him.

This would conclude as strongly for the power of enacting law without the King, which the Houses have disclaimed. It is true, this legislative authority is exercised under another name, let the Authors answer for practising what themselves have expressly disallowed. For it is but small satisfaction to the injured Subject, to tell them they challenge not a power to make standing Laws, but onely temporary Ordinances: This is, they will take away their estates for the present, and then their votes shall be no longer binding; was not this the reason why such Proclamations are justly accounted grievances, as do intrench upon the Subjects liberties or property? The subjects are equally miserable, whither their birthright, the Laws of this Land, are overthrown by Royal Proclamations or Ordinances of one or both Houses.

Co-ordinata se invicem supplent, Coordinates supply each others failings; therefore if one refuse, the other two are enabled to do it without him.

By the same Logick, if the King and House of Lords joyn, the consent of the House of Commons is legally supplied, and they may constitute what they please without them. This is the evident doctrine of it, which yet is commanded by the House to be printed. If the King had said this, it had been the greatest breach of Parliamentary priviledges that ever had been made. Posterity will have no reason to be thankful to them for disouting themselves out of the right of a negative voice, onely that they may with some small colour (making use of an accidental advantage, the major part of those few Lords, which remain in the House now, joyning with them) take away from the King

(what

(what is as much his by law as the crown he wears) his right to reject any Bill never questioned by our Ancestors, and it is very strange it should now; Sir Thomas Smith tells us, *Quibus princeps derogatum vult, haud pluribus verbis utitur, quam le Roy aut la Roynes' aduvisera; quæ propterea extincta penitus, abaliquæ consentur.* l. 2. c. 3. *descript. Ang.* If the Kings denial did not extinguish them, all those bills, which have slept for many ages, as laid down by our knowing forefathers out of a necessary modesty and a just valuation of their Sovereigns right, would rise up laws to the extreme confusion of the present government. And secondly, if his authority must be involved or swallowed up in their votes, if his part in Parliament be the same with the flatterers in the Commedy, *Ais, aio, negas, nego*; if he be but a *State echo*; it is manifest he hath not so great a hand in the managery of his Kingdom, as the meanest fellow, who hath but forty shillings *per annum* freehold; for he governs by proxy, whereas the King is represented by none, and yet must not speak for himself and for his own Interest, which is altogether the same with the publike. The greatest security the Subject hath, that equal Laws shall be preserved, is from his negative voice. The interests of the major part in the House of Commons may be opposite to the good of the Kingdom in general. For if we reckon those many that serve for, and are (or would be, in future elections, if the power were thus enabled to effect what ever advantageous designs) of Corporations, and those few in comparison, who serve for Shires, we shall easily believe, the privileges of Cities and Towns, may be enlarged by them to the great discouragement and loss of the honest farmer and painful husbandman; So the Burgesses for the West are so many, that upon an unanimous conspiracy amongst themselves, and laboring some single persons, who may be easily won out of relation of acquaintance, friends, or kinsmen, or their

inadvertency, and not fully weighing, or not understanding the consequences of it, they may easily carry by vote what is very Beneficial to themselves, though extremely prejudicial to the other parts of this Kingdom.

To go higher, it is very easie to conceive, that the major part of the lower House, may be very mean men, chosen to make more profitable Laws for the poorer sort, and to keep the Gentry under by laying Subsidies and all burdens of the Commonwealth upon them, not without a specious pretence, that they spend more in superfluities then would discharge all publike expences, and exempting themselves from all payments, as being such, who take great pains, and work very hard, even for necessities. The possibility of such a choise is apparent, because (considering how small means are required to a capacity of voting in the election of Parliament-men) it may perhaps be more warily ordered hereafter by the wisdom of that great Court, who may think it fit to raise fourty shillings *per annum* freehold to such a proportion as that estate was valuable at, in the first constitution, when the scarcity of money made it a competent fortune) the greater part of those which chose them are poor Countymen; and beggarly tradesmen. Such a choise then is very possible, neither is it improbable, if Parliaments shall be governed by these new principles. For the reason why such an election was never yet made, is this; such a power was never heretofore challenged, as could enable them to go through with any such design. If either the Lords perceived any motion from the Commons, disadvantageous to themselves, or the King thought it prejudicial to the publike, and so necessarily unprofitable for him (as if the Merchant should be discouraged, by laying too great burdens upon Foreign trade, or the Clergy impoverished, by taking away those means which should make men able, and keep them

them honest) it was presently rejected, and so not to be stickled in further, sitting that Parliament. If some factious spirits wrought upon their discontents, and perswaded them to pass nothing, whether by granting Subsidies, or consenting to new Laws, which might be beneficial for the present State, till they received satisfaction in their desires, though such a perverseness (which I suppose onely, and do not say it ever was) might be very unhappy for the Kingdom (for by making the King poor, it would probably put his friends upon some unwarrantable courses, whereby to supply his wants, and this would creat a misunderstanding between him and his people, and breed ill humors, which fomented by crafty men, would break out in such violent distempers that there would be a necessity of calling Physicians; These politick Physicians, when once entertained in such an extremity, will be sure so to manage the disease, that they will be paid as much as they please to demand. They will desire such offices, such commands not for themselves, but onely in order to the recovery of their patients; The denial of which shall put the people in danger of a relapse, and they will prescribe the ways of prevention and take use of impatience of distempered men to compass their own ends) though I say, such a sullenness would make the Kingdom miserable, yet it is their right to deny the most reasonable proposal, and there is not any legal remedy against inconveniences, which will certainly flow from hence. Neither necessity nor *propterea quod regnum nostrum periclitatur*, which is the same with *salus populi suprema lex*, can enable the King justly to provide for the Kingdoms safety, by raising money against the known Laws: He may in this case dissolve the assembly, and onely use such means as are not contrary to Law; By reason of these negative voices, and the Kings right, as to call together, so to break up that great Council, there was not any hope of new mould-

ing this State to particular Interesses, and therefore these unequal compositions of the House of Commons had no influence to the disadvantage of the Common wealth. Yet now we may probably suffer under them, if this new doctrine take place, That the Kings consent is past, and involved in the Lords and Commons; for the next rub of the Lords negative is removeable by the same Logick of *coordinata se supplent*, and that the people may not perish for defect of a supplementall Law; it was essayed formerly, that they sitting in personall capacities, should not oppose what conducted to the safety of the Kingdom represented by the Commons, and those two grounds being laid, as the Kings and Lords are voted out of Parliament, so it is very probable, the Gentry would be but very thin in the House of Commons, upon new elections hereafter, because the disposal of all would be put into their hands, whose interests are most disjoyned from the publique tranquillity, as enjoying least by the present establishment in this State. From hence it is apparent, what confusion were likely to follow; and the short experience we have had, hath already too fully acquainted us with the miserable consequences.

To answer distinctly to their axiome, Coordinates supply each others failings, it should be understood in that sense, which they plead for, that the King failing to perform his duty, the Lords and Commons are enabled to transact business without him; by virtue of this rule, upon the very same grounds the King and House of Commons may exclude the Lords, the King and Lords may exclude the Commons; but this being destructive of the fundamentall priviledge and right of either House, this only can be meant by it in the present cases, that the power of any one or two of them, is defective to some purposes expressly named in our laws (as for enacting new laws, or raising money upon the Subject) without a joynit consent of all three. This interpretation is very reasonable, but it concludes against them, and for the
Kings

King; for he requires nothing, but (what our Laws grant him, and what he alwayes acknowledged equally their due) a right to a negative voice, in those things to which the three estates are coordinate. The use of it cannot be injurious; for deniall to bring in a new Government, doth not take away the old; it leaves us in that happinesse, which our Fathers were content with.

All other matters (wherein the exercise of His supreme power is not restrained, by making their consent a necessary condition, without which it cannot be acted) he may manage solely; as for instance, he may and ought to protect His Subjects, and to make use of those means with which the law hath invested him to enable him to compass that end, and these are the *Militia* or armes of the Kingdome.

The King though he be singularis major, yet he is universis minor. I am forced to take notice in the first place of *Exc.* that lamentable sophistry which yet hath deceived many; and though it hath been often discoursed, they still persist to abuse the people with it. The strength of all their discourses depends upon this syllogisme; the Parliament is greater then the King; The assumption is built upon a false foundation; The two Houses are the Parliament. *Ergo*, the two Houses are greater then the King.

The proposition is granted, because Parliament includes King and Lords and Commons; and his legislative power, as to the use of it, is so restrained, that it cannot legally be exercised without their consent; and this obtained in Parliament, it becomes absolute to those purposes, to which they passe their assent, 25. H. 8. 21. So that the onely meaning is, he can do more in Parliament, then out of it. *Ans.*

But the minor is absolutely false; For the King is *caput Parliamenti*, and so an essentiall part of Parliament. I am ashamed to bring quotations out of the Lawye's, to prove what is so manifestly true. For if the King were a necessary part of the Parliament, and the Parla-

ment (as it is being rightly understood for the head and body) were the whole Realme, then we should have a Kingdome without any king.

Obj.

One objection is frequently urged; *There must be a Parliament somewhere; for it cannot be dissolved without their consent, which is not yett past, but it is not at Oxford, nor no other place, London excepted; therefore it is there, and consequently the Houses are the Parliament without the King, or else His authority is in their votes.*

Asw.

The want of Logique hath proved as fatal to this Kingdome, as the want of conscience; I cannot determine which hath had the strongest influence in our calamities; the malice of some, or the ignorance of others. Suppose the Lords should remove their House out of the City (as they have an undoubted right so to doe, upon the agreement of the major part; and there might be some motives for it: for to say nothing else, their number would be more then doubled) where would these men place the Parliament? If the King and Lords should legally sit in *Oxford*, were the House of Commons thereby excluded from being a part, or could they be concluded the whole Parliament? It is not an union in respect of place, but an union of their assent and the Royal ratification, which actuates the power into law. The Kings absence doth not destroy the being of Parliament (no more then if he should dissent being present) nor doth it forfeit his power into their disposal, as you may see 33. H. 8. c. 21. *His assent by his letters patent is and ever was of as good strength and force, as though the Kings person had been there personally present, and had assented openly and publickly to the same.*

But what if he dissent from them and refuse to confirm their votes? Then they ought not to have the force of Laws, no more then if the King and Lords should agree on any thing, the Commons contradicting it; neither is a legall establishment. If they say, his obstinate refusall voids the Parliament, for it is made of no use, if

it

it may not be active, when deferred by him, and except he please to establish their ordinances: The King might as well presse the Commons to consent to what he and the Lords shall think fitting, because otherwise they void the Parliament; for it is of no use, if it may not be active without their assent which they resolve not to passe.

This constitution of the negative voice in either of the three estates, was made in favour of the present government, the goods of which were known by experience that no innovation (the evils of which are hardly discovered before tryall) might be introduced without a joynt consent of all three.

The whole Kingdome is greater then the King.

Obj.

If they mean by whole Kingdome, both King and people, it is very true, but nothing pertinent; for it only signifies that the head is not so great as it self and the rest of the body. But if they understand (as they must if they mean to conclude any thing) the body in opposition to their Sovereign, it is false that *universitas subditorum est major Rege*. The same reason which makes him above one, makes him above two, and so above ten, and so ten thousand, and so ten millions of thousands; for their assembling together doth not dispense with their duty of allegiance; many or few alters not the quality of the Act; an universal revolt from a lawfull Sovereign is equally Rebellion, as a particular defection of one or more Countyes.

Answer.

The Orators art is much used in these unhappy times, *μικρὴ μεγάλη, and μεγάλη μικρὴ πονήν*. misdemeanors were once raised into high Treason, and now evident Treason is lessened into necessary defence. That rhapsody of quotations, intituled *the treachery, and disloyalty of Papists to their Sovereignes, &c.* brings a very merry plea to take them off from being Traytors; the statute of the 25. Edw. 3. c. 2. runs in the singular number, *If a man shall levy War against the King, &c.* it ought to be judged

judged high Treasons, therefore it extends not to the Houses who are many and publique person, p. 31. If he had sadly considered, how deeply conscience is engaged in the present Warr against the King, he would not have endeavoured to seduce so many into Rebels, and make them forfeit their souls upon such pittifull subtilties.

If forraigners should inquire under what kinde of government we live, the answer must be, we live *over a King*. Certainly they will much wonder at the unnecessary humility of the Houses, (they challenging to themselves superiority as the representative all) and conclude them very great Countries, who in their addresses to the Prince, their Subject, stile themselves *His Majesties most loyal and faithfull Subjects, the Lords and Commons in Parliament*. They will shrewdly suspect, if Majesty be His due, that Supremacy is so also: while Rome was a popular State, the supreme dignity being in the people, was expressed by *majestas populi Romani*, and after when they had resigned up their power to Emperours, it was changed into *Augustalis Majestas*, taken for the person of the Emperour; *C. ubi & apud quem. l. cum scimus*, or *Imperialis majestas. C. de quadriennii præf. l. bene à Zenone*, and so *Keyserlich Majestæt* at this day for the German Emperour.

The custome of Petitioning him, and such humility in the Title of their Addresses and the Preface, (suppose it should reach no further, yet it) cannot be wholly taken off by the imperiousness of the matter. Some of that side seem to be scrupled at it, and therefore plain Scottish tells you, they hold Declarations to be more suitable to the sovereignty of so supreme a Court, whose power is coordinate with Princes (we must hold superior) then petitions.

I have proved in a former discourse, that the King is supreme head, not in respect of single persons, but the *universitas Subjectorum*. For this is comprehended

in

in *body politique* compact of all sorts and degrees of people, which is said to owe next to God a naturall and humble obedience, 24. H. 8. c. 12. And it is evident, that he is not the head of this or that man, but of all the members in conjunction, of the whole body; for else he would be the head of millions of bodies, and by consequence have as many distinct Kingdomes, as particular subjects. It is needlesse to multiply quotations, as the 25. H. 8. 21. *this your Graces Realm recognises no superior under God, but only your Grace;* or Queen Elizabeths publique declaration, that She had next under God, the highest and supreme government and power over all Estates of the Realm of England, Ecclesiasticall or Temporal, Camd. hist. pag. 31.

I will summe up the reasons in brief, which prove, that the King is not *minor universis*. First, if both Houses are above Him; He hath no right of Empire upon them, because *inferior in superiore non habet imperium*; but this is false, for they are subject by Law to His commands; when he bids them come, they are bound to come; and when he bids them go, they are bound to go; that is, when he calls them by his Writ, they ought to attend *præscriptis die et loco*; and he prorogues the assembly, or dissolves it when he thinks fitting. It is no prejudice to this right, that he was graciously pleased to restrain the exercise of it in this present Parliament without their consent, to the end those vast debts, which were brought upon this Kingdom; might be discharged, and in order to that, good security might be given to such persons as were willing to engage their estates for the benefit of the common-wealth. I will make no advantage by urging their abuse of trust, by which they were enabled to take off that great burthen, which they have made infinitely more heavy; and whereas they might in short time have eased this State, our debts hourly grow upon us, and the subjects estates are but the fuell to feed that fire which sensibly consumes this unhappy Nation.

Notwithstanding

Notwithstanding, they have deceived both King and People; Yet His Majesty cannot satisfie Himself in their Logique, and suffer himself to be perswaded; he may lawfully resume His right, because they do contrary to trust. Though the perpetuity of this Parliament was never intended, and it hath been of most pernicious consequence, yet the King will not allow Himself any liberty (to dissolve it) against law, upon most reall good intentions. Because the present is full of danger, and though in the present case it would be used for the benefit of His people, yet hereafter, it probably might be abused to their greater disadvantage.

Secondly, The division of all persons in this Land is into King and Subjects, liege Lord and liege People, and therefore they must be placed in the latter ranke. It is a strange phantasie to abstract the body politique from all the particulars whereof it is compacted, and to save the Oath of Alleagiance, by telling us, *The universe or body politique never swore alleagiance or supremacy to the King, neither is it possible it should.* • Reply to answer to the observations, p. 17. and again, page 18. (in answer to the 24. Henry 8. cap. 12. The King is supream head unto whom a body politique compact of all sorts and degrees of people are bounden and ow next to God a naturall and humble obedience) *we must not understand this, that the Body politique doth owe obedience; but that the severall sorts and degrees of people, of which this body is compacted and made, that they do owe obedience; for to take it otherwise, were to make an absurd and impossible construction, &c.* If every particular man performe his duty of alleagiance as he stands obliged by oath, let him oppose his Metaphisical body to the King even as he pleases. If the body politique have not sworn alleagiance or supremacy, because it is a body only in consideration of law, that hath neither life or motion, like other individuals, p. 17. and for the same reason doth not owe homage and obedience, p. 18. How is it capable of rebelling against the

the Head? for it cannot fight but by the hands of particular men; and all these are tyed up by divine Law, and their own oathes.

3. They acknowledge themselves his subjects as united in Parliament; and if they should deny it, they could not challenge any benefit from his royal protection.

4. The laws intrust him, not the Houses to protect us.

5. The Houses represent onely subjects opposed to the King, who is their superiour by humane, and consequently divine law, both as their natural King and as Gods anointed, his representative.

6. There is a great difference between the reall and representative all; for though it were true, (as it is not;) that he were lesse then the whole people; yet this would not bring the conclusion home to the Houses; who are the people onely to such purposes as the law nominates, viz. for consenting to Laws or Taxes upon the Subject. To all other purposes (wherein Regal power is not expressly limited) the King is the whole people, and what he doth is legally their Act. Aristotle tells us of some Kings, that had as full right over their whole realm; as a popular state can have over it self, and all things belonging thereto, 3. pol. 14. To such an one that of the Tragædian is truly and properly applyed.

Σὺ τοι πᾶσι, σὺ δὲ τὸ δῆμον,
Πύταις ἀρετῇ.

You are the whole City, the whole Common-wealth, and therefore not responsible for any actions. This shews the falsehood of their principles, *Quicquid efficit tale, est magis tale* and *constituens est major constituto*, &c. for though they mean to make advantage of them onely in this Kingdome, yet they conclude against the possibility of making any King absolute; which reason and experience have clearly confuted. For a people if conquered, (their lives and all they have being then in
the

the hand of (the victor) or if in fear to be swallowed up by a more potent enemy, they may and often have very prudently consented to place all the legall power of the Kingdome in one man, that he may thereby be enabled to protect them; and where the legislative power is unrestrained, there the rule is absolute.

To apply this doctrine, In those things wherein the King of England is not absolute, as in the exercise of his legislative power, and raising money without consent, The Houses together with Him, represent the people; but in such matters, wherein he is absolute, (that is, wherein he is not restrained by Laws which are but limitations of Regal power) there he is *Populus Anglicanus*, legally *the English Nation*. For example sake, I will instance in the power of making Warr and Peace, if any take up Armies by vertue of any other then his Commission, they oppose not the King alone, but the King and People, as *People* is to be understood in Law, for their hands are tyed up; and all their legal strength is in the Kings disposal.

Let us examine their Argument, *The whole people are above their King; therefore the Houses, because they represent them.*

The Antecedent I have shewed false, because the whole people are but such a number of Subjects who can have no colour of pretence to be above him, whom God and the Law hath placed over them.

The consequence is as infirm, and the reason of it fallacious; for if representatives might challenge all rights appertaining to the persons by them represented, then a Jury shall be concluded as honourable as the House of Commons, and then too because the Emperor of Germany may challenge of the King of France or England (not superiority, for they are as supream and independent Princes, as he is, but) precedence, (an honour due to the antiquity of the Empire; for nations

tions

tions as well as persons in joy the benefit of *primo geniture*) his Ambassadors also might sit above those Kings, which the Court of Honour guided by the Law of Nations, and reason would pronounce very absurd.

Again, they represent the people onely to some purposes; to make war is none of theirs; The King alone can declare the peoples mind in this case; they have no legal way of expressing themselves but in his Commissions; and therefore the war is not between King and people, but so many particular persons exceeding the trust committed to them against the duty of Allegiance, oppose both King and people. It is very remarkable, that in the beginning of these unhappy contrivances, some multitudes appearing in tumultuous ways, whatever they desired or did, was called the Act of the People, providing for their own safety. But after the sense of miseries had bettered their understandings, to make them discern, this unnatural war was not like to improve the means of preservation; many of them make a Covenant to live peaceably and honestly amongst themselves; so in *Yorkshire* long since; and lately between *Cornwall* and *Devonshire*; and now the Houses interpose, and will not permit the people who were stirred up and encouraged to raise a war against Law, to make peace according to Law; let them trouble the waters as much as they please; they shall be born out in it; but they must not think of killing them; till they have done fishing; This would be a breach of Privilege. The People are now forced to defend themselves and their goods violently taken from them, for their security; who might soon be happy again; if their friends would be less careful of their safety. It is well known who began to appeal to the People; withall my heart (if Law must be suspended) let them arbitrate the differences. Tho certain way to know their judgement, and whom they apprehend to be a real defender of what both pretend, our Laws and property, and liberty,

berry, and the established Religion, is to cease plundering of both sides, and leave them to their natural inclination. That side which confesses, it cannot subsist without using violence and oppression, and forcing their estates from them, acknowledges that the people, whom they pretend to fight for, is clearly against them; and they have small reason to challenge a privilege of breaking all Laws, by virtue of that *paramount Law*, *Populi salus*, when as their unwarrantable courses ventured on in order to the safety of the people, doe manifestly conduce (even the People being Judges, and repenting their former folly) to the poverty, slavery, and ruine of all.

It remains, I lay down my promised conclusion of the whole, that notwithstanding such a power of resistance, as they or any others have yet openly pleaded for, should be granted lawfull (as when in their own defence, or when he that hath the highest authority, and is bound by the Law of God, and his own promise or oath, to administer justice equally, after frequent representations of their grievances, and most just complaints of their great sufferings affords no redresse) yet this can be no justification of the present war against the King, nor acquit the Actors in it from being rebels; Because this case is evidently not now.

The Armes taken up against the King, were not (as is pretended) defensive; nor in maintenance of any thing which the Subject can challenge as of right.

If we call to minde that unhappy time, when His Majesty (forced to preserve himself by flying the City, offensive of that he might be free at least by absence, from the scorn the Subjects part. and dangers of unrepended, I will not say, encouraged tumults) was immediately accused to have rebelled against himself; and was furnished with an Army by *York*, when he had not so much means left him, as could honestly feed his family, and it was Ordered that this formidable Host should be apprehended by the ordinary

At Kingston
upon
Thames.

ly Ministers of justice in that Country; if our memories will but render a faithful account of this contempt, harder to be digested then the former popular fury, we may perceive their behaviours towards him, was a sufficient confutation of their fears of him. They told the people, they were afraid of his power, and yet answered their own jealousies by shewing to the world; they were able to take it from Him; He was so far from being in a condition to invade their rights, He had not wherewith to defend His own. His inability to revenge indignities was so notorious, they durst be even wanton in abusing Him. When he wooed them in that gracious Message from *Windsor*, His yeelding so much did but tempt them to use great rigor. Nothing would satisfie, unless he would make their votes the measure of His obedience; for what priviledge had they above private Counsellors, if their advice should not sway with him more then reason? When he requested them onely to make known what was wanting to the Kingdoms happiness, and He would cheerfully supply it, they think it loss of time to represent particular defects, but put him into such a way as will effect it, to be guided in all things as they shall direct, that is, to let them manage His Royal power, who knew better how to govern. Because He will not submit to their blank desires, by confessing His *Vote* to be legally involved in their *Orders*, nor resign up that power which the Law hath intrusted Him with, and which cannot be separated from the Crown without dissolution of this government; and therefore He is obliged both in justice and honor to preserve it as the necessary means, whereby He is enabled to protect His people; Because, I say, He will still be King; and not part with those Rights which God and the Law gives Him, they will dispense with their duty of being Subjects, and challenge a priviledge to take away those Rights, which He will not, when petitioned, fairely deliver. After this, he retires to *Tork* only desirous to live safely, and contented to suffer such an eclipse of glory, till such time as the abused people should recover their understandings, and these clouds should be dispelled by a clear apprehension of His innocence, and undeserved sufferings. Thither the storm pursues Him, His

M

Rents

Rents are stopped, that he might become a burthen to the Northern people, and that they might be tempted to part with Him, with as much cheerfulness, as they would be rid of the poor of their County. Commissioners were pickt out, and sent amongst them to incense the less knowing, and to awe the more honest party, from receiving their naked Sovereign into their protection. The dangers they would incur by their perverse loyalty are laid open. They will certainly be Voted high Malignants, and notorious Delinquents if they frustrate the *pretended Parliaments* in justice by their charity; for to what purpose did they take his Revenues from him, if others would be allowed to give him sufficient wherewith to cloth and feed Himself? Though such order was taken, by seizing his demains: He should not live amongst them as a King; yet the sweetness of His private and familiar conversation with them, made him an extremely popular Gentleman. And therefore misdoubting a general defection to obedience upon tryal of so great goodness, which increased with their injuries, and finding the people (not able to conceal their love of his extraordinary virtues) openly betraying an honest pity of their much wronged Master, they thought it necessary to give law to their fears, by usurping his power, and exercising it in their oppression, whom unwary respect towards their Sovereign had made suspected for loyal Subjects. Accordingly all His Arms (and those of the Kingdome besides, least the people should prevent their own wrongs by a timely revenge of His) are seized on, and they possess themselves of his Forts, Castles, Towns and Navy. After such unparallel'd usurpations, Regal power being invaded by private hands, a small guard of honest Yorkshire Gentlemen attend the King for his personal safety, not knowing where their injuries would stop; for the bonds of Law being once shaken off, their power to oppress, or ruin, was as unbounded as their will; by the same justice he was kept out of *Hall*, they might have kept him in what Village, what House, what Prison they pleased. This Guard of a much smaller number then they had kept together many Moneths, was scornfully Voted an Army, and Commissions are illegally issued out to raise Forces to suppress this

this second War, made by the King upon himself. The publicke motive was fear of violence intended by His Majesty, the private encouragement to less forward Souldiers was the Kings inability to make the least opposition. An Army is levyed against him upon publicke pretence of his strength, and perswaded to march against him, upon their private assurance of his weakness. Thousands are listed not to fight, but travel, and are promised to know nothing of war besides the wages, but to enjoy the security and delights of a progress. After all this (to prevent effusion of blood, and those visible calamities which the wild ambition of a few men, hath pull'd upon their unhappy country) He twice sues for Peace, in those most gracious Messages from *Nottingham*, with offer of such large conditions, that if more should be required from him, though when conquered, the Subjects would be losers by it, and they would gain that by a miserable war, which will much diminish the happiness of Peace. They will not now descend to a Treaty with their King; they like his humility, but are not well pleased it was not shewn sooner; only some slender hopes are given, that their General shall have commission to pardon his former unwillingness to suffer, if he can redeem those errors which have put them to expence and trouble, by a constant tameness for the future. From *Nottingham* he flies to *Shrewsbury* (for they are contented to give him line enough, being confident they can strike him when they please) in the mean time, 'tis good sport to see Himself with fruitless endeavors to escape, when at last being tyred with long and vain strivings, he must be forced to deliver himself quietly into their hands.

Thus was he accused to be the assaulter, who was so long time unable to resist their violence. *Et fuit saluti, quod videbatur certo periturus*, his apparent weakness did deliver him from that power which was ready to swallow him up; they had then destroyed him, if they had not been more wanton then conscientious.

This narration is abundant sufficient to prove the war to be defensive of the Kings part. But I will examine it further by the rules of Justice.

Albericus Gentilis defines war very accurately (presupposing

the law of society, and excluding private Duels) *publicorum armorum iustam contentionem*, a just dispute of differences by publick swords, l. 1. c. 2. de iure bel. just, *negante sensu*, for that which is not unjust, and in the law notion, in reference not to the causes (for this is called *pium bellum*) but the authors waging it. Wherefore he shews, that it cannot be but between independent States and Princes; Citizens or Subjects cannot be lawful enemies opposed to their Prince, because they want supreme authority, without which the war is not publick, nor can it be justified. The reason is, because war is onely excused by necessity, that is, when there is no legal way to end controversies by prohibiting farther appeals, as amongst distinct States, or several Princes, who acknowledge no superior, and are not bound to submit to any Court, and may perhaps not agree upon arbitrators, because in some cases none can be named, who are uninteressed in the decision. But I will not insist upon the injustice of Subjects making war for any cause whatever, upon the supreme power, because this was evidenced at large in the second Section, where I proved, that a liberty of resistance, doth destroy the nature of sovereignty or supremacy, and introduces *regnum in regno, civitatem in civitate*, by dividing the civil power, which can be but one, if the State or Kingdom be but one.

That of *Cyprian* shall be the entrance into our inquiry, concerning the injustice of the present war of the Subjects part (setting aside their duty of non-resistance by divine law applied to our constitutions, and supposing an equality or independancy between King and Subject) for want of a reasonable cause which might excuse those great mischiefs, as being a necessary remedy to prevent greater. *Homicidium quum admittunt singuli, crimen est, virtus vocatur, quum publice geritur*. And there is some ground in reason, that shedding though the blood but of one man should deserve an ignominious death, and to kill thousands by publick authority should make our lives glorious. Because there is as vast a difference, as between the guilt of murtherers, and the gallantry of men undertaking the administration of justice with personal hazard for preservation of publick rights. First, therefore a jurisdiction is required, where laws are wanting

to make use of force for recovery of right (which Subjects cannot have over their Prince) and this doth make *justum bellum*. And secondly, a sufficient cause is necessary; there must be reasonable motives, or else it cannot be *pium bellum*. Except we have *ἰουστὴν καὶ δίκαιαν τὴν πόλεμον προφασιν*, we commit murder with the sword of justice. The method of the Romans was to demand their rights in peaceable way by their Heralds, and in case restitution was denied, then war was proclaimed, and the cause likewise declared (*nec dederunt, nec solverunt, nec fecerunt, quas res dari, fieri, solvi oportuit*, as we find in *Livy*) that the world might be satisfied in the innocence of their unwilling violence. So careful were they to preserve their credit with mankind, whom it universally concerned, that war should not be waged upon light and unjustifiable grounds. There must be *belli causa gravis*, a sober inducement to make the war defensive, and if this were not wanting, real injuries having been offered; yet if the cause were taken away, by an after readiness to make full satisfaction, if the offended parties would not accept of restitution, the war was then esteemed offensive of their part, and they became guilty before God for the causeless effusion of so much blood, and worthily infamous among all good men. *Melior causa ad partem penitentem transibat.*

To apply briefly these unquestionable rulers of justice to the present case: for I find that long reasons do as little satisfy the common sort, as none at all, they having but narrow memories, and it being the same thing not to know, and not to remember.

I will put but one interrogatory to such as take up Arms against the King, *why they are Rebels and Traytors, cui boia?* (for that they are so, I appeal to the Judges of the Land, or refer them to the plain and evident Law, 25. *Edw. 3.* I let them suppose themselves arraigned, and the Judge to ask what they can say for themselves, why Sentence should not pass for their condemnation, according to express law. Certainly they could not make a fairer plea than the *Earl of Essex*, who had not proceeded to offer violence to the Queen, and yet was adjudged a Traytor for appearing in Arms, only with intention to remove evil Counsellors.)

The pretext is, in defence of Liberty, Laws, Property, Privileges of Parliament and Religion.

But the *real cause is*, the preferment of a few ambitious persons, who will not permit the Laws to have their free and uninterrupted course; the known security of the Subjects happiness, because the orderly administration of justice doth not signifie, that the King will bestow such offices upon them as their inordinate desires aim at. He cannot doubt the truth of this, who hath read and observed the conditions without which they will not suffer peace, and to compass which his Majesty hath left no reasonable ways unattempted. I am confident, he hath offered so much to his Subjects, as would content honest and moderate conquerors.

Concerning *Laws*, there shall not be any other measure of mens actions, besides those known rules. Neither Royal Proclamations, nor fellow Subjects Ordinances, shall make the people miserable under an Arbitrary sway. Do you desire to be as happy as your progenitors? you shall. For you shall enjoy all the same Laws by the benefits whereof they lived peaceably, plentifully, gloriously. And besides this, for a further improvement of your happiness, all those new Laws enacted this Parliament, and the several additional favors by parting with many known rights (which exceed the Acts of Grace from all his Royal Ancestors though put together) shall be confirmed to you.

Do you desire to be as free as your Ancestors? you shall; his Majesty passionately requires the Liberty of the Subject should be restored, and will take care the people shall not lose their birth-right, by being imprisoned upon his, or, which is worse, their fellow Subjects illegal displeasure. He will contribute his utmost endeavors, that his own Castles, the Bishops houses, and all other not long since honest habitations, may be disgaoled, and the English may be again acquainted with the comfort of life, freedom of their persons, and of conversation, and not be banished from their Wives and children for presuming to make the Laws the rule of their obedience.

Do you desire the establishment of your Property? you shall have it. His Majesty challenges no right to your estates,
and

and is unwilling Subjects should claim a privilege to take them from you, only that they may be better enabled to withhold his. No pretences of unknown dangers, or unseen necessity, shall justify the violation of Laws which alone can secure your inheritances.

Do you desire Priviledges of Parliament should suffer no diminution? They shall enjoy them in as high a way, as the Subject in the freest and most happy days ever challenged.

And lastly, that Religion which was sealed with the blood of many holy Martyrs since the Reformation, and which stands established by acts of Parliaments, and flourished in the purest times of Queen *Elizabeth*, which no sober man can think guilty of any inclination to Popery, shall be confirmed to you by an impartial execution of all legal penalties appointed against offenders.

Thus whatever can reasonably be pleaded for, is cheerfully offered to us, and we are wroth to accept, what the contrivers of our ruin pretend is sought for, Laws, Liberty, Property, Priviledges of Parliament and Religion.

Would you have security for performance of this promised happiness? you shall have as great as in justice you can require, or reason expect; the same security with which the modesty and wisdom of former Parliaments were fully satisfied, and the Kingdom enjoyed the benefits of their well grounded confidence.

And to compleat all, you shall have certain provision for a Triennial Parliament. We are restored to such a high degree of health, as our Fathers were never acquainted with, and moreover such a course is taken to time this State Physick (it was never intended Parliaments should be our constant diet) as will probably prevent future distempers.

What fury hath robbed men of their understandings, that they cannot be persuaded to be happy! that their malice should increase with their calamities! that they should hate, and tear, and kill one another they know not why! For upon my soul, a great part of their Army would not impose upon others, nor admit themselves of the Brownists, or Anabaptists Creeds; neither would they think this Kingdom unhappy (so they might get some honest employment,

as honourable opportunities would not be wanting in Foreign Nations, if we had once recovered our former reputation; with that wealth and quiet we lately enjoyed) though eight or ten men should loose their mischiefs, and not get those offices, which they valued, above the riches, and quiet, and honor, of their Nation.

What one thing hath his Majesty denyed them, which he had not full right so to do? And, *qui jure suo utitur, nemini injuriam facit*; except they can alleadge ἀδικήματα, very considerable injuries offered to them, and a refusal to give satisfaction, the war is manifestly unjust on their side; we at the worst shall fall martyrs, and they at best will live murtherers, all the blood which hath been shed will be brought in upon their accompt, all those rapines and sacrifices, the robbing God, and men, will lye upon their heads.

In matters of Law he hath not rejected any thing, and in matters of meer grace and favour, he hath been bountifull above all his royal Ancestors, and so extremely tender is he in giving all content to his two Houses, that he could not prevail with himself to deny, but he reserves his assent till such time, as they can shew him some reasonable motive, whereby he may be invited to grant.

As he hath been content in his love and prosecution of peace, so he hath taken extraordinary pains in soliciting His Houses to cut off the unnecessary injuries of war, by laying down plundering and other causeless violences committed upon Estates or persons on both sides; his Royal heart bleeding even for the unavoidable pressures the people have pull'd upon themselves. His Souldiers will rule their actions by the counsel of *John the Baptist*, and be content with their wages, and cheerfully hazard their lives in defence of so honest a cause, by as honest means. If they are not able to pay their Army, what secret moath and canker hath consumed that vast treasure? Their want of money is a great argument of the unsearchable judgement of God, who can make them still poor, though they take a liberty to seize the wealth of the Kingdom. O that the people would but yet consider how unlikely it is the State can thrive hereafter under such Stewards!

He

He that sadly calls to minde the height of happineſſe from which we are lately falne, all paſt grievances being fully remedied, and future preſſures probably prevented, and conſiders how often His Maſteſty hath intreated, importuned us to accept again of that bleſſed condition, may well wonder that our calamities ſhould yet continue, that they ſhould hourly grow upon us. I would willingly baniſh from my thoughts thoſe melancholy obſervations of Hiſtorians, *Quos Deus vult perdere, prius dementes facit. & Quorum fortunam Deus mutare conſtituit, conſilia corrumpit.* But they have ſo ſtrongly poſſeſt my fancy, that I am almoſt tempted to fear, ſuch a general loſs of mens reaſon, is but the fatal forerunner of an univerſal deſtruction.

Our condition ſtands thus; Though the King hath not yet nor ever will hereafter deny any thing of right (thoſe deſires which are regulated by Laws ſhall be no ſooner preſented to Him, then granted) and though he hath indulged extreemly much of favour (more then our Fathers had the boldneſs to crave) nevertheleſs we cannot prevaile with our ſelves to injoy ſo great bleſſings, unleſs Hee will conſent likewiſe to their other requeſts, ſome of which He may think He is obliged not to paſs in juſtice, there being no light motives to induce Him to believe, He hath ſworne againſt it at His Coronation; and ſome, He cannot grant with honour and without betraying that truſt committed to Him by God and the Law for the benefit and protection of His people.

He is deſired to ſigne the Bill for abolition of Epiſcopacy (that which acquainted this Land with Chriſtianity) and to diminifh the Rights of the Church, and take away Eccleſiaſticall revenues, that He may be remembered in ſtory, as the unfortunate inſtrument to pull down what the charity of many ages hath been building, and to deſtroy many pious Monuments, and glorious teſtimonies of our forefathers chriſtianity and to ruine what the devotion of our godly Anceſtors hath contributed for the encouragement of learning and advancement of Religion.

To ſay nothing to the politique part, how the Eccleſiaſticall and Civill State are ſo interwoven, that the foundation of the whole may thereby be ſhaken, and how they are very
good

good reasons to suspect a Presbyteriall Government will prove extreemly prejudicial to Monarchy; I shall speak only to the Religion of this request. And first, I would willingly know, whether there be such a sin, as we have hitherto used to call Sacriledge (so severely punished upon the Heathens, the violation of things dedicated to false Deities, being notoriously revenged by the true God, and so execrably abhor'd by all good Christians in former ages) and then, whether Magistrates have any dispensation to commit Sacriledge innocently, by which private men incur a lasting infamie, and eternall damnation.

Secondly, I would willingly be satisfied in this *Quære*, whether the King having sworne to preserve the Rights and Immunities of the Church intire, can innocently consent (supposing Him fully informed in the nature of that right which belongs to His Clergy; for the most religious Prince may be subject to mistake) to lessen or abrogate them, except released by the consent of that Body to whom He is obliged? This poynt rightly stated (I shall only offer it to be seriously meditated on, without any peremptory determination) may confirme, the Lands of the Church for the future to the great improvement of our civill happiness. For (besides that we might reasonably promise to our selves a blessing from the Almighty, if we shew our selves as carefull to settle those Rights which tend to the advancement of his worship by a firm establishment of a certain and honourable maintenance for his more immediate servants, as we are justly solicitous to secure our secular interests, by making provision that no mans Rights shall be alienated without the owners consent) a great temptation, and that which seems to have the strongest influence in all attempts, or innovation would thereby be cut off, the hopes of repairing their decayed fortunes with the spoils of the Church. We shall finde in stories, that most of those stormes which disturbed former calmes, and by which this Kingdome sundry times hath been miserably shaken, were raised only with intention to sink the Church by such as promised to themselves considerable shares in the wreck.

Some answer; He is equally sworne to the observation of
Laws,

Laws: But these He may alter, with advice of both Houses. Thus one, *I do not conceive Him more bound to defend them by His Oath, then the rest of the Laws enacted, any of which when the Kingdome desires should be abrogated, I hope is done without Perjury.* That which is commonly called the Lawyers Answer to Dr. Ferne, p. 31. This doth by no means take off my scruple, because His Oath to defend His Laws enacted, is made *populo Anglicano*, to His people, and so (as all other promises by consent of the parties to whom a right was transferred) may be, and really is forgiven by them represented in Parliament to that purpose. But this other oath is made to such a part of His people, *Clero Anglicano*, and particularly taken by Him after His Oath to the whole Realm, which were needless, except it meant some other obligation. This seems to prove it a distinct Oath, and not reasonable without their consent. Upon the same grounds that these rights are pleaded void, if Voted down, notwithstanding they to whom they belonged, expresse not their will to part with them, the strongest security *England* can give, is weakened and discredited, that is the ingagement of the Kingdom to repay such sums by consent of King and Lords and Commons, which and which only is publique Faith. In such a case, can the City be Voted payd, except they willingly release the debt? if they should be told, their rights are not stronger then laws, but these are made null at the desire of the Kingdom in Parliament, they would soon apprehend their logique to be extreemly faulty, and it is probable that they would maintain, that the representative Kingdome in Parliament cannot dispense with the Kings obligation to a particular body of His Subjects in whom alone the power of releasement doth lye.

He is desired to nominate such Offices to mannage the great affaires of state, as they shall confide in; that is to yield up His undoubted right, happily enjoyed by all His Royall Progenitors, into their disposall, & to determine His choice by arbitrary fears. If they will consider in those, whom the Laws do not distrust, the King hath satisfied even this request; for he will not prefer any against whom they can bring just and legall exceptions. But he thinks it no good
argument

argument to induce him to turne out able honest Ministers (who may challenge from his accustomed goodness that privilege of *quàm diu se bene gesserint*) meerly because others desire to have their places. They themselves would conceive it very hard usage to be put out again upon the same title, when no legall exceptions were produced against them, and therefore they presse his majesty to secure them (when once in) by Law: and yet will not permit him to be ruled by their advice out of equity, and to continue His favours to those men, who by a faithfull discharge of their places, have shewed themselves worthy of that trust; if it will be reasonable then, it is so now, to encourage faithfull servants by making their own offences only, and not other mens feares, the rule by which they shall suffer. *Nemo illis sic timere permittit.* They might as well tell the world in plain English) but that advantages are still made of the peoples blindness) *except the King will grant such preferments to us and our favourites* (for let Him nominate whom He will, they will never confide, unlesse He guide his nomination by their instructions, who are to approve them, and the truth is, when they have gained one, He hath reason to request them to take the other, for they will save Him the trouble of naming in vain, and He may thereby conceal His hurtfull affection, and not expose his best friends to dishonourable repulses) *except we may be Patrons* (they would once have been contented to be only the present incumbents, and suffer Him to retaine the right to bestow them freely for the future time) *we shall never indure grace, and yet we must be forced to, cast the envy of so miserable a warr upon him.*

All understanding and dis-interested persons must clearly discern, it is the same in justice, not to consent, the people should be happy, and to keep up these publique calamities, untill they shall be satisfied in their illegall, unreasonable proposalls. Though it be a more politique way, *duris conditionibus pacem pati vele*, to expresse a desire of peace, but not to admit it, but upon unequitable and unjust conditions, yet it is equally dishonest, as to deny it down right. They are altogether inexcusable, unlesse they will make such proposalls, whereby it may appear, they covet not anothers, but only

to preserve their own rights, which the King freely offers to them without diminution of the least-title, and with unprecedented enlargements by many additional favours in this present Parliament.

He is desired to make the Houses sharers with him in ordering the *Militia*, and to grant them a right to suppress all forces but such as shall be raised by their consent.

This request is evidently destructive of that fundamentall Law, which intrusts this power in the Crown alone to enable the King to protect His Subjects and the Laws. The benefits of which constitution our happy Ancestors enjoined and the greatest pressures the English nation at any time suffered under, did spring from this fountain, when Subjects undertook the managery of this regali right.

Because their desire is discountenanced by Law (and being so though it were as really beneficial, as it is truly pernicious to the peace and quiet of a State, opening a gap to civill dissensions, necessarily arising from the opposite interests of consorts in power; though it might be reasonably wished, yet it cannot be innocently fought for) They endeavour to justify it by reason of State, and plead the necessity of it, as being the only cure of *fears* and *jealousies*.

The recovery of this Kingdome were certainly desperate, if His Majesty too should grow fearfull and jealous, who hath been more unanswerably tempted to give admittance to these unhappy passions. For if they might seize on his power by the Law of fears if that it is taken from him, becomes a motive to perswade him to give them right to keep it, might not he with greater shew of reason, require an enlargement of his former power, because it is manifest (though they pretended to be afraid of it) it was not able to secure him from their violence. Much more might be pleaded, why he should be enabled to keep what the Law gives him, then they not to restore what they have illegally taken from him. But he contents himself with the ordinary means of safety appointed by Law, and will not make himself justly formidable, by giving entertainment to unjust feares, and challenging a priviledge to doe injuries, because it is not impossible, he may suffer them, and may loose his own rights, except he
disable

disable others by invading theirs. If this principle should once prevail, peace and justice were lost to mankind; for it would still be some-bodies turne to be afraid, and that would give them a right to greater power, which right would cease as soon as they were possesse of it; and the true title to power would alwayes be in those who wanted it. There is no other way to get out of this maze and confusion, to which their wilde fears unavoidably betray a State, but by prevailing with our reason, not to suspect those whom the Laws have not suspected. For as jealousies against Law are causelesse, so they are altogether remediable. *The fuller answer to Doctor Ferne*, endeavours to excuse them by vertue of a Commission from this principle, *abundans cautela non nocet*; but wofull experience hath evidenced the contrary; he tells us further, *State jealousie hath no right hand error, none on the excessse side; the more the better*, pag. 27. It is much worse then private-jealousie, because this is but the misery of a family, that the unhappiness of a Kingdom.

To summe up all, though some have gone so farr, to indulge to Subjects a liberty to take up arms in maintenance of *old laws*, yet no sober author can be produced, who makes it lawful to fight against their Sovereign for the establishment of *new laws*. It is not possible a strong desire of innovation should take off the guilt of so unnaturall a Warr.

The King requires nothing but (what the Subjects cannot deny without injustice, without perjury, and consequently, the guilt of all that blood which is, or shall, or might be spilt,) his known legall rights, and he denies nothing which the Subject can by Law challenge, and hath indulged so much of grace, as all ages cannot parallel, and yet is still ready to consent farther, if any reasons shall be produced to invite greater favours.

How will posterity hate this example, and blush at the unworthy story of our proceedings, who have discouraged good Kings by these ungrateful requitals of such eminent deservings towards his people! If we had not with our peace, and plenty, and innocence, lost our reason too, wee should quickly be perswaded to accept of so great happiness, and

not perversely hazard an ignominious death, onely to make our lives miserable. How are we become beasts in our understanding, as if onely capable to suffer without any apprehension of the causes or remedies.

The result of all is ; life and death are set before the people; it is in their election to be again happy; but they choose these miserable things, and are active in their own ruine. For it will come to that, if they stop not in their wild progress. The husbandmans store being consumed, the pasture unstocked, though wee escape the sword or bullet, we shall be devoured by famine, or else perish by plagues, or fluxes, the fatall productions of unwholsome dyet.

It concernes us to pray unto Almighty God, that he would be pleased to restore us to our wits, for if he would make us wise, we should soon make our selves happy, by bringing the pernicious authors of these our miseries to a legal tryal; we should then clearly see, that the preferment of a few men ought not so to sway with us, that we should sacrifice our Liberty and Property, and suffer the Lawes to be violated, the Protestant Religion to be dishonoured, only in order to satisfie some particular mens ambition, That indignation of the people in *Virgil* (engaged in a miserable warr, to gain that with blood and ruine, the want whereof was no diminution to their happiness) would too well fit the *English Nation*.

*Scilicet ut Turno contingat Regia conjux,
Nos animæ viles, inhumata, infletâque turba
Sternamur campis !*

Must we die like dogs, that they may live like princes! How are the *oppressed commons* concerned in those mens illegal gainings, that they should be contented to lose their estates, and lives, and soules, in prosecution of none of their own interests? They fall unlamented, unregarded, while the contrivers of these mischiefs, sit safe, exposing others to the dangers, grow rich, while the impoverished Kingdome is ready to sink under the burthen of its debts,

debts, and are even wanted in our oppressions.

Since therefore the onely ground of this unnatural warr is, that His Majesty will not permit us to be less happy then our Ancestors, choosing rather to suffer so many injuries, and to expose His Royal Person to the dangers of open hostility, then to wrong his Subjects and purchase safety or plenty, by making such Lawes, as private interests would force upon Him and the Kingdome.

Since He denyes nothing but the abolition of our good old customes which long experience hath confirmed to be extreemly beneficial to this Nation.

Since they reject *peace*, upon pretext, it comes not accompanied with *truth*; and meane by *truth*, not the Protestant Religion, as it is settled in this Kingdome and established by Act of Parliament, but some *moveable Creed*; the Articles whereof it shall be their *priviledge* to abrogate, and to make it speak new doctrines, according as they will suit best with their civil interests.

Since they fight, not for certain and known Lawes, not for a certaine and known Religion, that is, not to restore, but to take away, and which is more intollerable, that they may adde as yet they know not what.

It is evident, the resistance now made is most offensive of the Subjects part, and doth unavoidably incur the Apostles sentence, *damnation*.

FINIS.

